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THE  
JOURNAL OF THE ASSEMBLY

DURING THE  
TWENTY-FIFTH (EXTRA) SESSION

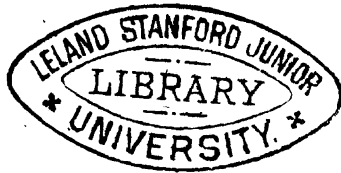
OF THE  
LEGISLATURE OF THE STATE OF CALIFORNIA,

1884.

BEGAN ON MONDAY, MARCH TWENTY-FOURTH, AND ENDED ON TUESDAY, MAY  
THIRTEENTH, EIGHTEEN HUNDRED AND EIGHTY-FOUR.



SACRAMENTO:  
STATE OFFICE, . . . . . JAMES J. AYERS, SUPT. STATE PRINTING.  
1884.



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JOURNAL  
OF THE  
PROCEEDINGS OF THE ASSEMBLY.

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# CALIFORNIA LEGISLATURE—ASSEMBLY.

## TWENTY-FIFTH (EXTRA) SESSION.

### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, March 24, 1884. }

Pursuant to the terms of the proclamation issued by his Excellency Governor George Stoneman, the Assembly of the State of California convened in extra session on the twenty-fourth day of March, eighteen hundred and eighty-four, at the hour of twelve o'clock m., and was called to order by Speaker La Rue.

Chief Clerk M. C. Haley, Sergeant-at-Arms James M. Farrelly, Minute Clerk Thomas Cleary, and the several other officers and clerks of the Assembly, occupied their respective positions.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barry, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer was offered by the Chaplain, Rev. Mr. Ware.

The following members, elected to fill vacancies, presented themselves and were duly qualified by taking the following oath of office, administered by the Speaker, H. M. La Rue:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of member of the Assembly of the State of California, according to the best of my ability, so help me God.

D. G. Barnes	-----	Solano County.
A. A. Bayley	-----	El Dorado and Alpine Counties.
J. W. Breckinridge	-----	Merced and Mariposa Counties.

The proclamation of the Governor, under which the Legislature convened, was read by the Chief Clerk as follows; and, on motion of Mr. Johnston, was spread in full on the minutes:

## PROCLAMATION.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, March 5, 1884.

*To the Senate and Assembly of the State of California:*

For four years the chief railroad companies of this State have refused to obey the laws imposing taxes upon their property.

Legal actions instituted against them to enforce collection, after having been under various pretexts delayed, have lately been terminated by proceedings through which it was practically established that, whilst nothing was legally collectible from those corporations, yet the State was willing to accept whatever they in their discretion saw fit to accord. The humiliating attitude in which the State of California is thus placed must fill the heart of every public-spirited citizen with regret and mortification; whilst the disturbance of our whole financial system, caused by the repeated and persistent delinquency of these companies, no wise man should willingly permit to continue. More stringent and effective measures for the collection of revenues from the railroads are imperatively demanded.

The present condition of affairs also demands a change with reference to the regulation of the business of transportation companies.

The system of electing Railroad Commissioners from districts has not given satisfaction. A wide-spread discontent exists, engendered by the delay in adjusting a tariff of fares and freights. If the results so long hoped for from a Railroad Commission are ever to be attained it must be through a revision of the Constitution and laws upon this subject.

Now therefore, an extraordinary occasion having arisen, I, George Stoneman, Governor of the State of California, by virtue of the power in me vested by the Constitution of the State, do hereby convene the Legislature to meet and assemble at the State Capitol on the twenty-fourth day of March, A. D. 1884, at twelve o'clock m. of that day; and do hereby specify the following subjects upon which it is assembled to legislate:

*First*—To propose and submit to the people of the State of California an amendment to Section 4 and to Section 10 of Article 13 of the Constitution of the State.

*Second*—To propose and submit to the people of the State of California an amendment to Section 22 of Article 12 of the Constitution of the State.

*Third*—To propose and submit to the people of the State of California an amendment to the Constitution of the State by which the Railroad Commission as now existing shall be abolished, and in lieu thereof a Railroad Commission, to be composed of three Commissioners, shall be created, said Commissioners to be appointed in such manner as may be provided by law, from the time of the adoption of said amendment until the next general election; and then to be elected at said election from the State at large; and to prescribe the term of office, duties, authority, and powers of said Commission.

*Fourth*—To enact all laws necessary for the assessment to and collection from all railroad corporations or companies doing business in this State, of income taxes.

*Fifth*—To amend or repeal any or all existing laws relating to revenue, and to enact new laws relating to the same.

*Sixth*—To propose and submit to the people of the State of California an amendment to the Constitution of the State, to the end that all property belonging to railroad corporations may and shall be assessed by the State Board of Equalization in the same manner as property belonging to individuals is now assessed by local Assessors; and that mortgages and deeds of trust, contracts, or other obligations by which a debt is secured covering the property of railroad corporations shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby.

*Seventh*—To enact laws providing that the property of railroad corporations or companies may and shall be sold for the payment of delinquent taxes in the same manner as the property of private persons is sold under the same circumstances.

*Eighth*—To enact laws providing that no writ for the prevention of the collection of any revenue or to hinder or delay the collection of the same, or to prevent or interfere with the sale of property for delinquent taxes, shall in anywise issue, either injunction, prohibition, or any other writ or process whatever; but that in all cases in which, for any reason, any person shall claim that any tax paid by him was illegally or wrongfully levied or collected, he may recover the same by action.

*Ninth*—To enact laws providing that whenever property is sold for delinquent taxes, a receiver may, upon application of the purchaser, whether said purchaser be a private person or the State, be appointed by any competent Court to take charge of the same from the day of the execution of the certificate of sale.

*Tenth*—To enact a law declaring that the people of the State of California have not authorized, and do not ratify, any compromise nor any judgment heretofore rendered by consent, in any action or proceeding for the collection of revenue, by which a less amount is or has been received or recovered than the sum due by law or claimed in the complaint in the action in which said judgment was rendered for the tax, interest, and penalty, and providing means for the setting aside said compromises and judgments; and to enact laws more clearly defining the powers and duties of the Attorney-General, District Attorneys, and Boards of Supervisors, with reference to the collection of delinquent taxes.

*Eleventh*—To propose and submit to the people of the State of California an amendment to

the Constitution, fixing a maximum rate of charges for transportation of passengers and freight on all railroad lines in the State, and for that purpose to classify railroad lines according to length, gauge, or income.

*Twelfth*—To enact laws for the prevention of, and punishment for, discrimination, and for the reform of abuses in railroad transportation.

In witness whereof, I have hereunto set my hand, and caused the Great Seal of the State to be fixed at my office, in the City of Sacramento, this fifth day of March, A. D. 1884.

[SEAL.]

Attest: THOS. L. THOMPSON, Secretary of State.

GEORGE STONEMAN, Governor.

#### RESOLUTIONS.

By Mr. Irwin:

*Resolved*, That the Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of his Excellency the Governor, dated March 5, 1884, and ready for the transaction of legislative business.

Adopted.

By Mr. Cutter:

*Resolved by the Assembly, the Senate concurring*, That a joint committee of three from each House be appointed by the presiding officer thereof, to wait upon the Governor and inform him that the two Houses are in session, and in readiness to receive any communication which he may have to make.

Adopted.

The Speaker appointed on said committee Messrs. Cutter, Irwin, and Booth.

#### RESIGNATION.

SACRAMENTO, March 24, 1884.

*To the Assembly of the State of California:*

I herewith respectfully tender my resignation as Chief Clerk.

M. C. HALEY.

Mr. Storke moved that the resignation be accepted.

Mr. Nicol moved to lay the motion on the table.

The Speaker ruled the motion to lay on the table out of order.

Mr. Nicol appealed.

The question being: Shall the decision of the Chair stand as the judgment of the House?

Pending the discussion of the question, at twelve o'clock and twenty-five minutes, Mr. Storke moved that the House take a recess until two o'clock P. M. this day.

Lost.

The question being on the appeal from the decision of the Chair, the Chair was sustained.

The question being then on the motion of Mr. Storke.

Mr. Kerrick moved as an amendment that the word "not" be inserted before the word "accepted."

Pending the consideration of the amendment, Mr. Flynn moved that further consideration of the matter be deferred until Wednesday morning immediately after roll-call.

So ordered.

#### RESOLUTIONS.

By Mr. Nicol:

*Resolved*, That the Committees on Judiciary, Corporations, Ways and Means, and Constitutional Amendments be and they are hereby authorized to employ one clerk each at the compensation heretofore allowed them respectively.

Mr. Johnston moved to lay the resolution on the table.

So ordered.

By Mr. Murdock:

*Resolved*, That each member be allowed twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Assembly, and that the aggregate amount of the value of stamps and stationery which any member shall draw on requisition from the Secretary of State shall be charged to his account, as a part of his allowance.

Mr. Johnston moved to refer the resolution to the Judiciary Committee.

Lost.

Mr. Irwin moved to amend the resolution by striking out the words "twenty-five," and inserting "fifteen."

Lost.

The question recurring on the resolution, it was adopted.

#### RECESS.

At twelve o'clock and forty-five minutes, on motion of Mr. Campbell, the House took a recess until three o'clock p. m. this day.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

#### NOTICE OF RECONSIDERATION.

Mr. Nicol gave notice that he would, on to-morrow, move to reconsider the vote whereby the resolution of Mr. Murdock, allowing each member twenty-five dollars for contingent expenses, was adopted.

Mr. Johnston moved to suspend the rules for the purpose of reconsidering the vote by which the resolution of Mr. Murdock, allowing each member twenty-five dollars for contingent expenses, was adopted.

So ordered.

The question then being on the motion to reconsider.

The ayes and noes being demanded by Messrs. Johnston, Cutter, and Nicol, the roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Barnes, Barry, Bayley, Bowers, Breckinridge, Briceland, Brown, Callaghan, Clark, Farley, Field, Fleming, Flynn, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Hershey, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McHale, Nicol, Parker, Peterson, Plover, Rhiel, Ryan, Sinon, Terry, Wheat, Wheelan, and Yell—38.

**NOES**—Messrs. Atwell, Beard, Booth, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Fortna, Hall, Heath, Hollister, Hunter, Keeler, Leverson, McDonald, McKinley, Murdock, Murphy, O'Connor, Rawle, Reeves, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, Wharton, and Mr. Speaker—36.

Mr. Johnston then moved to refer to the Committee on Public Expenditures and Accounts.

So ordered.

Mr. Cutter moved that the committee be instructed to report the resolution to-morrow morning.

So ordered.

#### RESOLUTIONS.

By Mr. Leverson:

*Resolved*, That until further order the rules laid down in Cushing's Law and Practice of Legislative Assemblies shall govern the proceedings of this House.

Mr. Terry moved as an amendment the following:

*Resolved*, That the Standing Rules of this Assembly at its regular session be and the same are hereby adopted as rules of this session.

Adopted.

The resolution, as amended, was then adopted.

By Mr. Levenson:

*Resolved*, That the present session is and shall be called the Twenty-seventh Session of the Legislature of California.

Mr. Cutter moved to amend so as to call it the Twenty-sixth and a half Session.

Mr. Ryan moved that the whole matter be laid upon the table.

So ordered.

By Mr. Sweetland:

*Resolved*, That the Mail Carrier of the Assembly, George Woodburn, be authorized to procure a box to be placed in the Post Office for the reception of mail matter for members and attachés of the Assembly, and the Controller is instructed to draw his warrant on the Contingent Fund of the Assembly for the cost thereof.

Mr. Johnston moved to refer to the Committee on Public Expenditures and Accounts.

Lost.

The question then recurring on the resolution, it was adopted.

By Mr. Sinon:

*Resolved*, That Robert Barton be and he hereby is appointed Gallery Porter, at a per diem of four dollars, payable out of the Contingent Fund of the Assembly.

Mr. Johnston moved to refer the resolution to Committee on Attachés and Employés.

So ordered.

RECESS.

At three o'clock and fifty-five minutes, Mr. Barry moved that the House take a recess for fifteen minutes.

So ordered.

REASSEMBLED.

The House reassembled.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 24, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed the following resolution:

*Resolved*, That the Secretary be instructed to announce to the Assembly that the Senate has organized by the election of the following officers:

President pro tem.	R. F. Del Valle
Secretary	Edwin F. Smith
Assistant Secretary	J. J. McCarthy
Assistant Secretary	R. O. Cravens
Minute Clerk	A. A. Taylor
Assistant Minute Clerk	R. G. Falk
Journal Clerk	W. J. McGee
Engrossing Clerk	George F. Tuttle
Enrolling Clerk	A. Norton
Sergeant-at-Arms	I. G. Messec
Assistant Sergeant-at-Arms	J. B. Sydnor
Postmistress	Mrs. J. V. David

And that the Senate awaits the pleasure of the Assembly in legislative business.

A. T. VOGELSANG, Assistant Secretary.

## RESIGNATION.

SACRAMENTO, March 24, 1884.

*To the Assembly of the State of California:*

I herewith respectfully tender my resignation as Minute Clerk of your honorable body.

THOS. CLEARY.

Mr. Wharton moved that the resignation be accepted.

So ordered.

The Speaker announced that nominations for the office of Minute Clerk were now in order.

Mr. Storke nominated George B. Crandall, present Assistant Minute Clerk.

The roll was called, with the following result:

*For Crandall*—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—75.

Mr. Crandall having received the unanimous vote of the House, the Speaker declared him elected Minute Clerk of the Assembly.

Mr. Crandall, Minute Clerk elect, now came forward and took the oath of office, which was administered by the Speaker.

## REPORT OF A SPECIAL COMMITTEE.

Mr. Cutter, on behalf of the special committee appointed to wait upon his Excellency the Governor, reported that they had discharged the duty imposed upon them.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 24, 1884. }

MR. SPEAKER: I herewith transmit to the Assembly a message covering the points specified in the proclamation convening the Legislature in extra session.

GEORGE STONEMAN, Governor.

## MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 24, 1884. }

*To the Senate and Assembly of the State of California:*

GENTLEMEN: The Constitution confers upon the Chief Executive of the State the power to convene the Legislature when, in his opinion, an extraordinary occasion shall have arisen demanding the attention and action of that body.

Certain railroad corporations, organized and doing business in this State, having for the past four years resisted the demands of the State for the collection of delinquent taxes, and certain suits instituted by the State and a portion of the counties therein against said corporations for the collection of delinquent taxes having been compromised, by consent judgments entered in the United States Circuit Court, whereby, if such judgments are binding and are allowed to stand, the State and counties have lost all penalties and interest due on said delinquent taxes, and the State being for the time, seemingly, powerless to assert her rights, I have deemed it prudent to ask your aid and assistance in passing such laws and proposing such amendments to the Constitution as will, it is hoped, effectually prevent the recurrence of a similar condition of affairs in the future. I have also asked your cooperation in devising such means, as in your

judgment may seem proper, to assert the rights of the State in reference to the further prosecution of these delinquent tax cases, and to provide means for opening and setting aside all compromises, consent judgments, and agreements wherever and by whomsoever made, in which the State has lost, or is about to lose, any portion of the tax, penalty, or interest due by law.

As no little dissatisfaction exists in reference to the comparative inaction of the Board of Railroad Commissioners in performing the duties of that office, I have thought proper to request your honorable body to provide for a new Board, and to propose and submit to the people an amendment to the Constitution of the State, to the end that said Railroad Commissioners may hereafter be elected from the State at large; and that you also propose and submit an amendment to the Constitution fixing the maximum rates to be charged for the transportation of passengers and freight on all railroad lines in the State.

The subjects submitted for your consideration are so explicitly stated, and the history of the struggle of the State for the collection of revenue from the corporations referred to is so well known to each member of your honorable body, that it seems hardly necessary to give in detail the reasons why legislation should be had upon the subjects embraced in the proclamation.

It seems entirely proper and necessary that the mode of electing the members of the Railroad Commission should be changed. If the members of that Commission were elected from the State at large, the electors would not be confined, as now, to a certain district from which to choose one Commissioner, to another district from which to choose the second member, and to another from which to choose the third, but could, under the system proposed, select from any portion of the State, those citizens who are best qualified, by reason of ability and integrity, to discharge the important duties of that office. By this plan all the electors of the State would have a voice in choosing each Commissioner. Neither could interested parties so easily concentrate and succeed in electing or defeating any particular candidate. I have, therefore, requested you to propose and submit to the people an amendment to the Constitution providing for the election of this Board from the State at large; and, in the meantime, if such amendment should be submitted and ratified before the next general election, that you provide a method for appointing three Commissioners until said election.

While it is the opinion of this office that the present method of assessing railroad property is fair and lawful, and is not repugnant to the Constitution of the United States, and that it will be so held by the Supreme Court of the United States, before which that question is now pending, yet I have thought proper to direct your attention to the advisability of providing that the property of railroad companies and corporations, and all debts due to and by them, shall be assessed by the State Board of Equalization as the property of individuals is now assessed by local Assessors. It would be well for you to investigate and consider this question thoroughly before making a change in the Constitution and laws upon this subject. If, after mature consideration, you consider it advisable that the method of assessing railroad property should be changed, you have ample power under the proclamation to do so. It is the opinion of this office that more revenue would be paid to the State, under the system pointed out, than was derived, or hoped to be derived, under the present law. As the principal ground of complaint of the railroad companies, in resisting the revenue laws, is that their property has not been assessed as the property of other taxpayers, I apprehend you will experience no opposition from that source to such proposed laws and amendments to the Constitution.

I would also call your attention to the fact that under the Constitution of the State, as well as by the decisions of the Supreme Court of the United States, you have ample power to provide by law for the assessment and collection of income taxes from railroad companies and corporations. This subject has been inserted in the proclamation convening your honorable body for such action as you may think proper to take. It would no doubt be advisable for you to impose an income tax on the gross receipts of these corporations, in addition to the tax on their property, until the amount realized therefrom at least equals the amount of the tax, penalty, interest, and costs, which the State and counties have lost, or are liable to lose, by reason of the non-payment of the tax levied against them under existing laws. Under a recent decision of the United States Supreme Court (15 Wallace, page 284, et seq.), ample authority is given for the assessment and collection of such tax on the gross receipts of such corporations; and it is immaterial whether the receipts of such corporations are entirely earned from business done in this State, or whether a portion of the receipts are derived from business done in other States and Territories. I invite your attention in this connection to the law of Pennsylvania upon which the above decision was rendered.

You are aware that during the past four years certain railroad corporations, delinquent taxpayers on the one hand, and Boards of Supervisors, District Attorneys, and the Attorney-General on the other, have, in many cases, compromised, or attempted to compromise, the taxes due the State and certain counties, by consenting and agreeing that plaintiff might take judgment for a less amount than the sum due by law, or claimed in the complaints in the actions against the defendants. If these compromises are good in law, or the officers acting for and on behalf of the State have or had authority to bind the State by such compromises, then the penalty and interest due from these delinquent taxpayers, as well as in some instances a portion of the face of the taxes, has been lost. The position of this office is, that after property has been assessed and equalized—after the forms of law relating to the assessment and equalization of taxable property have been complied with—no officer or person has any power or authority to compromise or remit any portion of the tax, penalty, or interest which the law declares to be due; or to consent to any compromise or judgment whereby the State and counties shall receive for their taxes an amount less than the tax, penalty, interest, and costs. To hold otherwise would not only lead to a derangement of our whole financial system, but



if carried to its full extent, would eventually result in the destruction of the Government. Such proceedings being without authority of law, the compromises and judgments by which the sums were so lost to the State can and ought to be set aside, and the full amount recovered. I therefore recommend that you provide by law for the employment of special counsel for the purposes above mentioned, and that you further provide for the payment of the costs and expenses thereof. That the question of the power of any officer or Board to compromise or remit any tax, penalty, or interest, or portion thereof, to any taxpayer, may be definitely settled, I would most respectfully suggest that you enact such legislation, with adequate penalties, as will effectually prevent such action, or attempted action, by any officer or person in the future.

That the property belonging to railroad corporations or companies should be sold for the payment of delinquent taxes, as the property of individuals is now sold under like circumstances, seems to be a proposition so just as to need no argument. You are, also, asked to provide that when the purchaser of property sold for the payment of delinquent taxes, receives his certificate of purchase, he may be put into the possession of said property through the medium of a receiver appointed by a competent Court. It seems but just that the purchaser of property sold for delinquent taxes, whether the purchaser be the State or a private person, should be protected and assisted in his right to obtain possession of the property so purchased.

The State, when endeavoring to subject property offered for sale to the payment of delinquent taxes, has heretofore experienced so many harassing delays from litigants, by means of injunctions and other writs restraining Tax Collectors from selling such property and collecting taxes, that you are asked to devise and enact a law prohibiting the issuance of any writ or process against any officer to prevent, hinder, or delay the collection of any tax or the sale of property for the payment of delinquent taxes. If the party assessed is of the opinion that the tax has been wrongfully or illegally levied or assessed, he may, after payment of the tax and giving notice of his intention so to do, at the time of such payment, have the right to commence an action, within thirty or sixty days, against the person to whom such tax was paid, to determine whether such tax was illegally or wrongfully levied or assessed. I understand this is the method adopted in many of the States. A suit at law to recover the money unlawfully paid is as speedy, as easily tried, and less complicated than any other method. Under such a law the person to whom the property is assessed, instead of the State, will be compelled to be the moving party. The Supreme Court of the United States, in the case entitled *Tennessee vs. Sneed* (96 U. S. Reports, page 69), in which the above principle is involved, says:

"It requires the contestant to pay the amount as fixed by the Government, and gives him power to sue the collector, and in such suit to test the legality of the tax. There is nothing illegal or even harsh in this. It is a wise and reasonable precaution for the security of the Government. No Government could exist that permitted the collection of its revenues to be delayed by every litigious man, or every embarrassed man, to whom delay was more important than the payment of costs."

If the collection of the taxes due the State is liable to be arrested and almost indefinitely postponed by every recalcitrant taxpayer who does not agree with the law in regard to the method of assessment or the amount of the tax, how can we calculate with any certainty that any moneys will be paid into the treasury for the support of the Government; and how can we be assured that, under such circumstances, the Government itself would long exist?

I also invite your attention to the twelfth subdivision of the proclamation, convening your honorable body, viz.: To enact laws for the prevention of, and punishment for, discrimination, and for the reform of abuses in railroad transportation. As corporations were created by all the people, in their collective and legislative capacity, it follows that the same power in the same capacity, has the right to say that the agency so delegated shall be used without discrimination, and with absolute fairness to all. As under our form of Government, each person is entitled to the equal protection of the law, so, also, is he entitled to protection from the unfair or unlawful exercise of power by any instrument which the law creates. As corporations are the creatures of the State, it is the imperative duty of the State to see that all its citizens enjoy the advantages flowing from corporations in absolute equality. The natural person, he who is a *part* of the Government, ought at least to have rights equal to the artificial person, which is but a *creature* of the Government. Railroad corporations should not be permitted, either by "special contracts," or any other form of discrimination, to charge one person a certain rate for the transportation of freight, and another person for the same distance on the same class of freight another and different rate. They should not be permitted, by discrimination, to make one man rich, and another man poor; neither should they, by like means, be permitted to build up and enrich one community, and impoverish and destroy another.

But it is claimed that railroad corporations have materially assisted in the development of the State, and for that reason we should not interfere with them by legal enactments. Concede all that is claimed for them, it does not follow that they should be allowed to exercise unrestrained power and oppress our people. History proves that unrestrained power is only limited and controlled by the opportunities for its exercise. If the development of the State and the accumulation of private fortunes shall go hand in hand with disobedience of authority and resistance to law, it would be far better that private fortunes were smaller and the development of the State less rapid. The more rapid the growth and development of the State the sooner shall we arrive at the culminating point of our greatness, and the sooner shall we have prematurely thrust upon us the want and misery of older countries. It would be better for our form of government that every corporation should be abolished, that no corporate rights should

hereafter exist, than that our laws should be set at defiance, and the morals of our people corrupted. It is within your power to prevent discrimination and prohibit the so called "special contracts." It makes no difference, either in law or good morals, whether such contracts, or agreements to discriminate, were made and entered into in this State, or out of it; the fact remains that every rod of railroad over which freight is hauled in this State, under such contracts, is a discrimination against a portion of the people of the State, and would be in violation of laws to prevent discrimination if such laws were on the statute books.

The endeavor has been to so arrange the subjects to be legislated upon, that your minds may not be diverted to unimportant and irrelevant matters, and that your session may be brought to a brief and successful issue. It is to be hoped that you may be guided by wisdom and patriotism in your deliberations, and that all the interests to be legislated upon may be brought into complete harmony with the will of the people. If, by your action, fares and freights upon transportation lines can be reduced and regulated, discrimination prevented, and the taxation of railroad property definitely settled to the satisfaction of the people and all parties concerned, these hitherto harassing questions will disappear from the politics of the State, the attention of the people will be turned to other matters more particularly affecting their immediate interests, and our State will enter upon a career of unexampled prosperity.

GEORGE STONEMAN, Governor.

Mr. Barry moved that five thousand copies of the Governor's message be printed.

Mr. Leverson moved to amend by striking out "five thousand" and inserting "two thousand."

Lost.

The question recurring on the original motion, it was carried.

Mr. Campbell moved that one thousand copies be placed at the disposal of the Governor.

So ordered.

Mr. Yell moved that the House proceed to the election of an Assistant Minute Clerk.

So ordered.

Mr. Hunter nominated Mr. E. F. Conway.

Mr. Yell nominated Mr. L. W. Juilliard.

The roll was called, with the following result:

*For Conway*—Messrs. Atwell, Barnes, Beard, Booth, Callaghan, Caminetti, Coombs, Culver, Cutter, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Kerriek, Leverson, Matthews, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wharton, and Wheelan—50.

*For Juilliard*—Messrs. Barry, Bayley, Bowers, Briceland, Brown, Campbell, Carter, Cary, Clark, Clement, Coleman, Crumpton, Faw, Field, Fleming, Irwin, Keeler, Lewison, Martin, McClaskey, Peterson, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—26.

Mr. Conway, having received a majority of all the votes cast, was declared by the Speaker elected Assistant Minute Clerk of the Assembly.

The Speaker announced the appointment of John Barker as Porter.

#### RESOLUTION.

By Mr. Terry:

*Resolved*, That his Excellency the Governor be and he is hereby requested to furnish to this Assembly a copy of a letter written to him by the Attorney-General, in relation to the delinquent railroad taxes, dated February 14, 1884, which is omitted from the printed pamphlet which purports to give the official correspondence between the Attorney-General and the Governor on that subject.

Adopted.

Mr. Sinon moved that when this House adjourns, it does so out of respect to the memory of the late C. A. Hughes and T. B. Rowland, deceased members of this Assembly.

So ordered.

## ADJOURNMENT.

At four o'clock and fifty minutes, on motion of Mr. Brown, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, March 25, 1884. }

House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healey, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Murdock, further reading of the Journal was dispensed with.

Journal of Monday approved.

Mr. E. F. Conway, Assistant Minute Clerk elect, now came forward and took the oath of office, which was administered by the Speaker.

Mr. Cutter moved that the message from the Governor be printed in the Appendix to the Journal, instead of the Journal.

So ordered.

## REPORT OF A STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1884.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution No. —, relative to allowing each member twenty-five dollars for contingent expenses, have had the same under consideration, and now respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

Adopted.

## INTRODUCTION OF A BILL.

By Mr. Wharton: Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof.

Referred to Committee on Ways and Means.

## CONCURRENT RESOLUTION.

By Mr. Cutter: Assembly Concurrent Resolution No. 1—

*Resolved by the Assembly, the Senate concurring,* That we heartily indorse the Postal Telegraph Bill introduced in Congress by Hon. Charles A. Sumner of this State, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the United States.

*Resolved,* That our Senators be and they are hereby instructed, and our Representatives requested, to support, and by all honorable means endeavor to secure the passage of said bill.

*Resolved,* That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerriek, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—74.

NOES—None.

## RESOLUTIONS.

By Mr. Ryan:

*Resolved,* That William Peck be and he is hereby appointed Rear Porter at a per diem of four dollars, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Attachés and Employés.

By Mr. Campbell:

*Resolved,* That the Committee on Judiciary be authorized and empowered to employ one clerk, who shall also serve as clerk to the Committee on Constitutional Amendments; also, that the Committee on Ways and Means and Corporations be authorized to employ one clerk each, said clerks to be paid the per diem authorized by law, and shall be payable out of the Contingent Fund of the Assembly.

Mr. Terry moved to amend by striking out "who shall also serve as clerk to the Committee on Constitutional Amendments."

So ordered.

The resolution as amended was then adopted.

By Mr. Bowers:

*Resolved,* That J. H. Williams be and he is hereby appointed in the place of Capt. J. S. O'Brien, Watchman, at four dollars per diem, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

## INTRODUCTION OF BILLS.

By Mr. Levenson: Assembly Concurrent Resolution No. 2—In relation to the removal of G. J. Carpenter and W. P. Humphreys, Railroad Commissioners, for the First and Second Districts, respectively.

Referred to Committee on Corporations.

Also, Assembly Bill No. 6—In reference to submitting to the people

an amendment to Section 4, of Article XIII, of the Constitution of the State.

Referred to Committee on Constitutional Amendments.

By Mr. Cutter: Assembly Bill No. 2—In reference to submitting to the qualified electors of the State, for ratification or rejection at the next general election, in reference to dividing the State into Railroad Commissioner Districts, fixing the salaries, terms, office, and duties of Railroad Commissioners, etc.

Referred to Committee on Constitutional Amendments.

Also, Assembly Bill No. 4—Proposing an amendment to Section 10, Article XIII, of the Constitution, in reference to taxation.

Referred to Committee on Constitutional Amendments.

Also, Assembly Bill No. 3—Proposing an amendment to Section 10, Article XIII, of the Constitution, in reference to the assessment of property.

Referred to Committee on Constitutional Amendments.

By Mr. Levenson: Assembly Bill No. 5—In relation to submitting to the people an amendment to Section 22, of Article XII, of the Constitution of the State.

Referred to Committee on Constitutional Amendments.

#### RESOLUTIONS.

By Mr. Granger:

*Resolved*, That the Committee on Constitutional Amendments be enlarged by the appointment of four additional members upon said committee.

Referred to Committee on Rules.

By Mr. Irwin:

*Resolved*, That the Judiciary Committee be increased by the addition of two members, increasing the number from thirteen to fifteen.

Referred to Committee on Rules.

By Mr. Barry:

*Resolved*, That the Controller be instructed to draw his warrant in favor of Thos. Cleary for the sum of twenty-four dollars and eighty cents (\$24 80), the same being one day's per diem (\$8), and mileage (one hundred and sixty-eight miles), sixteen dollars and eighty cents (\$16 80).

Adopted.

#### OATH OF OFFICE.

Mr. Wallace, Assemblyman elect from San Francisco, now came forward and took the oath of office, which was administered by the Speaker, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully perform the duties of Assemblyman to the best of my ability, so help me God.

#### RESOLUTIONS.

By Mr. Yell:

*Resolved*, That the Committee on Constitutional Amendments be and they are hereby instructed to draft amendments to the sections of the Constitution named in the Governor's call, and report the same to the House at the earliest date possible.

Adopted.

By Mr. Brown :

*Resolved*, That hereafter we dispense with calling the roll after the noon recess, unless it be apparent there is not a quorum present.

Mr. Johnston moved to lay the motion upon the table.

So ordered.

By Mr. Barry :

*Resolved*, That the Committee on Corporations and Committee on Ways and Means be enlarged by the addition of four members each.

Referred to Committee on Rules.

#### LEAVE OF ABSENCE.

Mr. Head moved to grant Mr. Moffitt leave of absence until Monday, March thirty-first.

The ayes and noes being demanded by Messrs. Johnston, Barry, and Hollister, the roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Harvey, Head, Healy, Heath, Hershey, Hollister, Irwin, Keeler, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Yell, and Mr. Speaker—62.

**NOES**—Messrs. Bayley, Clark, Granger, Hamilton, Hunter, Johnston, Kerrick, Levenson, Nicol, Stephens, Stewart, and Wheat—12.

#### SUSPENSION OF RULES.

Mr. Flynn moved to suspend the rules for the purpose of considering special order set for Wednesday immediately after roll-call, in relation to the resignation of Mr. Haley as Chief Clerk.

So ordered.

#### RESIGNATION.

Mr. Flynn moved to accept the resignation of Mr. Haley as Chief Clerk of the Assembly.

So ordered.

#### ELECTION OF CHIEF CLERK.

Mr. Barry moved to proceed to the election of Chief Clerk of the Assembly.

So ordered.

Mr. Campbell placed in nomination Mr. Ed. E. Leake.

The roll was called, and Mr. Ed. E. Leake was elected by the following vote:

**AYES**—Messrs. Barry, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—72.

**NOES**—Mr. Barnes—1.

## INTRODUCTION OF A BILL—(OUT OF ORDER).

By Mr. Campbell: Assembly Bill No. 7—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-sixth fiscal year.

Referred to Committee on Ways and Means.

## RESOLUTIONS.

By Mr. Murdock:

*Resolved*, That the thanks of the Assembly be extended to Mr. Haley, our late Chief Clerk, for the efficiency and ability with which he has served us, and for his unflinching courtesy to the members; that he bears with him the best wishes of all for his success and happiness.

Adopted.

By Mr. Cutter:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms, on the Contingent Fund of the Assembly, for the sum of ten dollars, to be applied to the payment of Post Office box rent for the use of the Assembly.

Referred to Committee on Public Expenditures and Accounts.

By Mr. Sinon:

*Resolved*, That the Sergeant-at-Arms be instructed to receive and receipt to the Controller of State for all warrants due members for their per diem and mileage.

Adopted.

## APPOINTMENT.

The Speaker appointed Mr. Clark Chairman of Committee on Attachés and Employés, in place of Mr. Field.

## LEAVE OF ABSENCE.

Mr. Cutter was granted leave of absence for two days.

## RECESS.

At eleven o'clock and ten minutes, on motion of Mr. Healy, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

## OATH OF OFFICE.

Mr. Ed. E. Leake, Chief Clerk elect, now came forward and took the oath of office, which was administered by the Speaker.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 25, 1884. }

To the honorable the Assembly of the State of California:

MR. SPEAKER: In response to a resolution of yesterday, adopted by the Assembly, I have the honor to herewith submit a copy of the letter of the Attorney-General, dated February 14, 1884, in relation to the delinquent railroad tax cases. The accompanying letter was published

in some of the San Francisco papers on the fifteenth day of February, and reached this office from the Attorney-General one or two days later. The reason why this letter was not included in the printed official correspondence between the Attorney-General and Governor is, that it was not published or received at this office until after the pamphlet referred to in your resolution had been printed and promulgated.

I have the honor to be your obedient servant,

GEORGE STONEMAN, Governor.

OFFICE OF ATTORNEY-GENERAL OF CALIFORNIA, }  
SAN FRANCISCO, February 14, 1884. }

*His Excellency George Stoneman :*

SIR: I have just received your communication in answer to mine of January twenty-ninth. I regret the trouble your Excellency has undergone in a discussion of a question upon which I did not ask information or argument, and upon which the course of this office is determined. I am deeply grateful, also, to the several gentlemen who have contributed so much valuable legal, statistical, and rhetorical matter. But the grave and serious regret and disappointment which I desire to express is, that the question I did address to your Excellency was not answered. I believe the only adequate remedy for the evil of the situation—the only effective opposition to the railroad wrongs—is to be found in an extra session of the Legislature. Neither Mr. Dunn's figures of arithmetic, nor Mr. Delmas' figures of rhetoric, are likely to give any relief beyond a transient gratification. The representatives of the people, if your Excellency will call them together, are the only antagonists of corporate power upon which the people can rely. The Legislature is the only arm of the people; will you paralyze it in the moment of its greatest need? I shall postpone, and only postpone, my often declared intention in this matter of the railroad taxes for a reasonable time. I trust the rumor of a called session will crystallize into a proclamation, and I do not propose by any act of mine to embarrass the action of the only competent authority. Still asking the favor of a reply to my original, and only question, "Will you convene the Legislature?" I am, respectfully,

E. C. MARSHALL, Attorney-General.

Mr. Terry moved to have five hundred copies of the Attorney-General's letter printed for the use of members.

So ordered.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Atwell: Assembly Bill No. 8—An Act to amend section two hundred and eighty-three of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations.

Referred to Committee on Corporations.

By Mr. Nicoll: Assembly Bill No. 9—An Act to amend section five hundred and twenty-six of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the issuance of injunctions.

Referred to Committee on Judiciary.

#### RESOLUTION.

By Mr. Flynn:

*Resolved*, That the Controller be directed to draw his warrant in favor of M. C. Haley for the sum of thirty-two dollars and eighty cents, the same being for two days' per diem at eight dollars, for services as Chief Clerk, and sixteen dollars and eighty cents mileage, one hundred and sixty-eight miles, at ten cents.

Adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Barry: Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations.

Referred to Committee on Corporations.

By Mr. Levenson: Assembly Bill No. 11—An Act to amend the laws relating to revenue.

Referred to Committee on Ways and Means.



Also, Assembly Bill No. 12—An Act to prevent and punish discriminations by railroad corporations, their officers and servants.  
Referred to Committee on Corporations.

PETITION—(OUT OF ORDER).

From the Hon. J. G. Maguire and others.  
Ordered printed, and referred to Committee on Constitutional Amendments.

RESOLUTION—(OUT OF ORDER).

By Mr. Terry:

*Resolved*, That the Committee on Corporations be and it is hereby requested to make an examination and investigation into the subject of freights and fares, and report a proposed constitutional amendment fixing the maximum rates for transportation of passengers and freights.

Adopted.

ADJOURNMENT.

At two o'clock and twenty minutes P. M., Mr. Johnston moved to adjourn.

Mr. Terry moved to amend by making the hour of adjournment to two o'clock P. M.

The question being on the shortest time, the motion was lost.

The question recurring on the amendment, it was carried.

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IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, March 26, 1884. }

House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Caminetti, further reading was dispensed with.

Journal of Tuesday approved.

Journal of Monday approved.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1884.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution introduced by Mr. Sinon in relation to the appointment of Robert Barton, Gallery Porter, have had the same under consideration, and now report the same back, and recommend that it be not adopted.

Also, a resolution by Mr. Bowers, that J. H. Williams be appointed Watchman, have had the same under consideration, and now report the same back, and recommend that it be not adopted.

Also, a resolution by Mr. Ryan, that Cornelius Peck be appointed Rear Porter, have had the same under consideration, and now report the same back, and recommend that it be adopted.

CLARK, Chairman.

On motion of Mr. Johnston, the report of the committee was concurred in.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1884.

MR. SPEAKER: Your Committee on Rules, to whom was referred the following resolution: *Resolved*, That the Judiciary Committee be increased by the addition of two members, increasing the number from thirteen (13) to fifteen (15).

Have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SINON, Chairman.

Mr. Storke moved to amend by striking out the word "not."

Lost.

The question then recurring on the adoption of the report, the ayes and noes being demanded by Messrs. Healy, Sweetland, and Gaussail, the roll was called, and the report concurred in by the following vote:

AYES—Messrs. Atwell, Beard, Booth, Breckinridge, Brown, Caminetti, Carter, Coombs, Culver, Farley, Faw, Field, Flynn, Granger, Harvey, Heath, Hershey, Hollister, Hunter, Johnston, Lewison, Martin, Matthews, McDonald, McKinley, Murdock, Parker, Plover, Rawle, Rhie, Ryan, Sinon, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, and Wheelan—41.

NOES—Messrs. Barnes, Barry, Bayley, Bibb, Bowers, Briceland, Callaghan, Campbell, Cary, Clark, Coleman, Crumpton, Doty, Fleming, Fortna, Gaussail, Hall, Head, Healy, Irwin, Kerrick, McClaskey, McHale, Murphy, Nicol, O'Connor, Peterson, Reeves, Stephens, Storke, Yell, and Mr. Speaker—32.

Mr. Granger gave notice that he would, on to-morrow, move to reconsider the vote by which the report of the committee was concurred in.

Mr. Terry moved to suspend the rules and reconsider the vote now.

The ayes and noes being demanded by Messrs. Yell, Clark, and Healy, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Briceland, Brown, Callaghan, Caminetti, Carter, Culver, Farley, Hamilton, Harvey, Healy, Heath, Hollister, Hunter, Johnston, McDonald, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Rhie, Ryan, Sinon, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, and Wheelan—35.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Campbell, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Head, Hershey, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, Peterson, Plover, Rawle, Reeves, Stephens, Storke, Walrath, Yell, and Mr. Speaker—39.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1884.

MR. SPEAKER: Your Committee on Rules, to whom was referred the following resolution: *Resolved*, That the Committee on Corporations and Committee on Ways and Means be enlarged by the addition of four members each.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SINON, Chairman.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1884.

MR. SPEAKER: Your Committee on Rules, to whom was referred the following resolution: *Resolved*, That the Committee on Constitutional Amendments be enlarged by the appointment of four additional members upon said committee.

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

*Resolved*, That the Committee on Constitutional Amendments be enlarged by the appointment of six (6) additional members upon said committee.

SINON, Chairman.

Adopted.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1884.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred Assembly Resolution No. — —Relative to paying Post Office box rent, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

Adopted.

#### INTRODUCTION OF BILLS.

By Mr. Irwin: Assembly Bill No. 13—An Act proposing an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor.

Referred to Committee on Constitutional Amendments.

By Mr. Campbell: Assembly Bill No. 14—An Act amending sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

By Mr. Leverson: Assembly Bill No. 15—An Act to levy an income tax.

Referred to Committee on Ways and Means.

#### CONCURRENT RESOLUTIONS.

By Mr. Barry: Assembly Concurrent Resolution No. 3—

WHEREAS, There is now pending in the House of Representatives of the United States, a bill introduced by Hon. Charles A. Sumner of this State, fixing a maximum rate of charges for transportation of passengers by railroad corporations; and whereas, the passage of said bill would conduce to the relief of the people of this State from extortionate railroad charges, and tend to promote its prosperity; therefore, be it

*Resolved by the Assembly, the Senate concurring*, That we heartily approve of the object and scope of said bill, and indorse its provisions.

*Be it further resolved*, That our Senators and Representatives in Congress be and they are hereby instructed to support and do all in their power to secure the passage of said bill.

*Be it further resolved*, That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Mr. Barry moved to adopt the resolution.

Mr. Atwell moved to amend by referring to the Committee on Corporations, with instructions to report back to-morrow.

Mr. Bibb moved to amend by referring to the Committee on Federal Relations.

Mr. Nicol moved to lay the resolution on the table.

The question being on the motion to lay the resolution on the table, the ayes and noes being demanded by Messrs. Barry, Storke,

and Matthews, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Brown, Culver, Harvey, Irwin, Lewison, McDonald, Nicol, Terry, Walrath, and Weaver—11.

NOES—Messrs. Atwell, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wheat, Yell, and Mr. Speaker—61.

Mr. Leverson moved to amend the motion to refer, by striking out the words "to report to-morrow," and insert in lieu thereof "to procure a copy of the bill referred to and report as speedily as possible to this House."

Mr. Atwell accepted the amendments of Messrs. Bibb and Leverson.

Mr. Irwin raised the point of order that the resolution was not within the scope of the call of the Governor convening the present session of the Legislature.

The Speaker decided the point of order not well taken, from which decision Mr. Irwin appealed.

The ayes and noes being demanded by Messrs. Matthews, Irwin, and McClaskey, the roll was called, and the decision of the Speaker was sustained by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, and Yell—69.

NOES—Mr. Caminetti—1.

Mr. Barry moved to amend by referring to the Committee on Corporations.

Mr. Atwell accepted the amendment.

Mr. Bibb renewed his motion to amend by referring to the Committee on Federal Relations.

Lost.

The motion being to refer the resolution to the Committee on Corporations, it was so ordered.

#### COMMUNICATIONS.

MR. SPEAKER: You are hereby informed that I appointed, March twenty-fourth, Sylvester Johnston, Post Office Page, vice Charles Poekman.

M. FANNIE BURNETT, Assembly Postmistress.

Referred to Committee on Employés and Attachés.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1884.

To E. E. Leake, Chief Clerk of Assembly:

You are hereby notified that on the twenty-fourth instant, through power vested in me by resolution passed by the Assembly, I have appointed the employés of my office: Hugh J. Lynch, Clerk to the Sergeant-at-Arms, vice Paul H. Rediger; Frank Caffrey, Committee Room Porter, vice W. L. Linn.

JAMES M. FARRELLY, Sergeant-at-Arms.

Referred to Committee on Employés and Attachés.

## APPOINTMENT OF COMMITTEES.

The Speaker announced the following appointments on committees:

*Constitutional Amendments*—Messrs. Wallace, Yell, Atwell, Nicol, Wharton, and Weaver.

*Corporations*—Messrs. Breckinridge, Beard, Clark, and Cary.

*Ways and Means*—Messrs. Parker, Townsend, Flynn, and Stephens.

## LEAVE OF ABSENCE.

Mr. Breckinridge was granted leave of absence for two days.

## PROTEST.

By Mr. Levenson:

WHEREAS, It is a clear principle of parliamentary law that all committees expire with the session of the legislative body by which they have been appointed, the undersigned respectfully protests against the action of the House in treating the committees appointed at the last session of this House as continuing into the present.

MONTAGUE R. LEVERSON.

ASSEMBLY CHAMBER, March 26, 1884.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Booth:

*Resolved*, That the Committee on Constitutional Amendments be authorized to employ a clerk at the per diem allowed by law, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Booth:

*Resolved*, That the State Printer be and he is hereby directed to print one hundred and twenty copies additional to the number prescribed by law of all bills and resolutions ordered printed which have been or may be introduced in the Assembly, and that two copies of each bill or resolution so printed be placed upon the desk of each member.

Mr. Flynn moved to amend by instructing the Sergeant-at-Arms to deliver no bills to any one except upon the order of an Assemblyman, and not more than two at one time.

Adopted as amended.

By Mr. Farley:

*Resolved*, That the Committee on Judiciary be and it is hereby instructed to make an investigation into the matter of the entry of judgments in a number of the delinquent tax suits against the Central Pacific and other railroad companies for less amounts than those claimed in the complaints in such cases, and report to this Assembly as soon as practicable:

1. Whether in the opinion of the committee the State was entitled to recover penalties, interest, and counsel fees in those suits?
2. Whether or not the Attorney-General had authority to waive the right to recover penalties, interest, or counsel fees, if that right existed?
3. Whether the Attorney-General, by stipulating that those judgments might be entered, waived the right of the State to recover penalties, interest, and counsel fees?
4. Whether or not the question whether the State is entitled to recover penalties, interest, and counsel fees in those suits is open to review on appeal?

Adopted.

By Mr. Terry:

*Resolved*, That the compensation of the Night Watchman be and the same is hereby fixed at five dollars per day, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Employés and Attachés.

## ADJOURNMENT.

At four o'clock and five minutes p. m., on motion of Mr. Storke, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, March 27, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Granger was granted leave of absence for this day.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Murphy, further reading was dispensed with.

Journal of Wednesday approved.

Mr. Campbell, upon his request, was excused from serving upon the Judiciary Committee.

## RESOLUTIONS.

By Mr. Weaver:

*Resolved*, That the Secretary of State be and he is hereby requested to furnish each member of the Assembly a set of the debates of the last Constitutional Convention upon his requisition therefor, the same to be returned at the close of the session.

Mr. Barry moved to amend by making the resolution read "such number of copies as the Secretary of State may now have in his possession."

The amendment was accepted, and the resolution, as amended, adopted.

By Mr. Stephens:

*Resolved by the Assembly of the State of California now in extra session assembled, That a committee of five members, one of whom shall be elected by the committee Chairman thereof, be appointed by the Speaker of the Assembly, and shall constitute what shall be known as a Railroad Investigation Committee; and it shall be the duty of said committee to ascertain:*

1. Whether there is any railroad company doing business in the State of California which is not conducted according to the codes and statute laws of the State.

2. To ascertain what amount of capital there is invested in the railroad corporations of this State, and what amount of said capital has been furnished by the State, and what amount by any county thereof, and what amount thereof was furnished by private individuals for the construction of said roads.

3. To ascertain what amount of money has been drawn from the State Treasury by any and all railroad companies in the State, and for what purpose drawn.

4. Such committee shall have full power to organize, by electing a Chairman from among its members, and power to send for persons and papers, and all Sheriffs and Marshals of this State are hereby empowered to serve the writs, subpoenas, and other processes of said committee, and shall receive the same compensation therefor as they receive for like service in any Court of record in this State, the same to be paid out of the Contingent Fund of this Assembly.

5. Such committee may, in their judgment, employ a shorthand reporter, at a per diem not to exceed ten dollars per day.

6. Said committee shall examine into all contracts made by the State with any railroad company or other corporation thereof, and if they find that any contract has been entered into between the State, or any county thereof, and any railroad company or other corporation, they shall endeavor to ascertain whether such contracts have been complied with, either in whole or in part, by the said companies or corporations.

7. Nothing in this investigation shall be partisan, unjust, or unfair; but it shall be conducted justly and honorably by all parties concerned, and all such corporations and railroad companies shall have full power, through the committee, to compel the attendance of witnesses in their behalf. The committee shall have all the powers usually granted to such committees, in addition to those prescribed herein, including the authority to administer oaths to witnesses, etc.; and after its deliberations shall report the result thereof to this Assembly within twenty days from the date hereof, or sooner if practicable.

Mr. Bibb moved to refer to the Committee on Corporations.

Mr. Johnston moved to amend, by referring to the Committee on Rules.

Lost.

The question then being on Mr. Bibb's motion to refer to the Committee on Corporations, it was carried.

By Mr. Wallace:

WHEREAS, Certain railways in this State, now operated by railroad corporations created by this State, were notoriously constructed, equipped, and put in operation, not by the private means or capital of said corporations, or by the means or capital of any of the private promoters thereof, or stockholders therein, but were built, constructed, equipped, and put in operation almost wholly by the direct or indirect use of the moneys of the people, collected from the people by taxation imposed upon them for that purpose, and by subsidies, in money, received from the public treasury, and by the use of lands taken from private citizens through the exercise by said railway corporations of the sovereign power of the eminent domain (as agents of the State), whereby private persons, citizens of the State, were, by the laws of this State enacted for that purpose, compelled to surrender their private possessions and estates to said railway corporations, *as and for a public use*; and whereas, the recognized principles underlying the political system of this State, and all other States denominated free, absolutely forbid the exercise of either the great powers of taxation and the eminent domain except for public purposes; therefore

*Resolved*, That said railway corporations having received into their hands the said moneys and lands of the people, *only as and for a public use*, and *not as their private property*, the said railways constructed by the use of said lands and moneys do not in law or fact constitute the private property of said railway corporations, but are affected with a public use, and the beneficial ownership of said railways belongs to the people, and said railways are possessed and managed by said corporations as mere public agencies charged by law with the duty of managing and conducting them, not for mere corporate gain or emolument, but for the benefit of the State and the general commercial interests and convenience of the people, and that the failure and refusal of said corporations to so manage and conduct the said railways, is a flagrant breach of the public trust committed by the State to their hands.

*Resolved*, That the said railways are in their origin and nature subject to such legislative control as, in the judgment of the representatives of the people, will best promote the public use for which alone they were intended; that the maximum of the rates and amounts of freights and fares to be collected of the people for the use thereof is absolutely within the legislative

discretion, which should, however, be exercised not oppressively but fairly and in a spirit of justice, but always with a view to obtain for the people the most efficient service at the cheapest rate consistent with reasonable compensation to the companies operating said railroads.

*Resolved*, That the decision rendered by the Circuit Court of the United States, sitting in this State, in the case of the County of Santa Clara against the Southern Pacific Railroad, by which it is in substance declared that the legislative power of the State to impose taxes upon railway property is, both in its measure and mode of exercise, limited by the same rules as the power to tax the property of private persons is limited, is a substantial assumption that the railway property concerned in that suit is the private property of said Southern Pacific Railroad Company, and involves a grave judicial and political heresy, alarming in its consequences, and tending to subvert the rightful legislative authority of this State and the people thereof over said railway properties.

Mr. Barry moved to have three hundred and sixty copies printed, and that it be made the special order for to-morrow at ten o'clock.

Mr. Irwin moved to amend by making it ten o'clock Monday morning.

Mr. Farley moved to amend by making it two o'clock to-morrow.

Mr. Barry accepted the amendment making it two o'clock to-morrow; and the motion, as amended, was adopted.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Keeler: Assembly Bill No. 18—Relative to submitting to the people an amendment to section twenty-two of article twelve of the Constitution of California, and relating to freights and fares on railroads in a fixed per cent of profits on their assessed value.

Referred to Committee on Constitutional Amendments.

#### REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 7—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-sixth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass with the following amendments:

Strike out the word "sixth," immediately after the word "thirty" and before the word "fiscal," in the title of the printed bill, and insert the word "fifth."

Also, add after the word "thousand," in line five of the printed bill, and before the word "dollars," in line six of the same bill, the words "five hundred."

Also, strike out the word "two," in line twelve, and before the word "hundred," in line thirteen of the printed bill, and insert the word "five."

Also, add after line thirteen of the printed bill, the words "for contingent expenses of the Senate, four thousand dollars."

Respectfully submitted.

CAMPBELL, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1884.

MR. SPEAKER: Your committee appointed to ascertain amounts due the members of this House for mileage, beg leave to report that the following amounts are due members of this House and Sergeant-at-Arms for mileage to and from their residences to the Capitol, at Sacramento, for the twenty-fifth (extra) session of the California Legislature. We have taken the legal distances, as established by Part II, Title III, of the Political Code, as amended, as a basis, and have calculated the mileage and amounts in accordance with the provisions of the statutes:



NAMES.	Miles.	Amount.	NAMES.	Miles.	Amount.
Atwell .....	420	\$42 00	Hershey .....	64	\$6 40
Barnes .....	120	12 00	Hollister .....	596	59 60
Barry .....	168	16 80	Hunter .....	272	27 20
Bayley .....	96	9 60	Irwin .....	122	12 20
Beard .....	154	15 40	Johnston .....	122	12 20
Bibb .....	168	16 80	Keeler .....	1016	101 60
Booth .....	168	16 80	Kerrick .....	112	11 20
Bowers .....	216	21 60	Leverson .....	168	16 80
Breckinridge .....	228	22 80	Lewison .....	236	23 60
Briceland .....	400	40 00	Martin .....	262	26 20
Brown .....	218	21 80	Matthews .....	436	43 60
Callaghan .....	168	16 80	McClaskey .....	400	40 00
Caminetti .....	118	11 80	McDonald .....	168	16 80
Campbell .....	282	28 20	McHale .....	150	15 00
Carter .....	238	23 80	McKinley .....	168	16 80
Cary .....	182	18 20	Murdock .....	168	16 80
Clark .....	134	13 40	Murphy .....	168	16 80
Clement .....	190	19 00	Nicol .....	200	20 00
Coleman .....	220	22 00	O'Connor .....	168	16 80
Coombs .....	124	12 40	Parker .....	1132	113 20
Crumpton .....	408	40 80	Peterson .....	862	86 20
Culver .....	168	16 80	Plover .....	168	16 80
Cutter .....	104	10 40	Rawle .....	168	16 80
Doty .....	30	3 00	Reeves .....	1176	117 60
Farley .....	238	23 80	Rhiel .....	316	31 60
Farrelly .....	168	16 80	Sinon .....	168	16 80
Faw .....	432	43 20	Stephens .....	114	11 40
Field .....	348	34 80	Stewart .....	242	24 20
Fleming .....	176	17 60	Storke .....	738	73 80
Flynn .....	168	16 80	Sweetland .....	172	17 20
Fortna .....	106	10 60	Terry .....	96	9 60
Gaussail .....	168	16 80	Townsend .....	256	25 60
Granger .....	156	15 60	Wallace .....	168	16 80
Hall .....	168	16 80	Walrath .....	242	24 20
Hamilton .....	728	72 80	Weaver .....	624	62 40
Harvey .....	120	12 00	Wharton .....	378	37 80
Head .....	1016	101 60	Wheat .....	134	13 40
Healy .....	168	16 80	Wheelan .....	168	16 80
Heath .....	410	41 00	Yell .....	410	41 00

We recommend the adoption of the following resolution:

*Resolved*, That the Controller be ordered to draw warrants in favor of the above named persons for the amount set opposite their names respectively, and that the Treasurer pay the same from the moneys appropriated to the General Fund for the per diem and mileage of the Assemblymen and Sergeant-at-Arms, for the thirty-fifth fiscal year.

G. W. T. CARTER,  
JAS. J. FLYNN,  
T. R. FLEMING.

Adopted.

#### RESOLUTIONS.

By Mr. Atwell:

*Resolved*, That the Controller of the State be and he is hereby authorized to draw his warrant in favor of the following officers of the Assembly for the amount respectively set opposite their names, the same being mileage for the distance traveled by them in order to attend the present session of the Legislature:

Geo. W. Herbert, Assistant Clerk, one hundred and forty-eight miles, at ten cents .....	\$14 80
J. Reimer, Assistant Clerk, one hundred and sixty-eight miles, at ten cents .....	16 80
G. W. Peckham, Journal Clerk, four hundred miles, at ten cents .....	40 00
C. B. Swift, Assistant Journal Clerk, ninety-four miles, at ten cents .....	9 40
Chas. A. Griffin, Engrossing Clerk, two hundred and thirty miles, at ten cents .....	23 00

Mr. Johnston moved to refer to Committee on Mileage, with

instructions to ascertain actual expenses of each officer applying for mileage, and report.

Lost.

Mr. Flynn moved to refer to the Judiciary Committee.

So ordered.

By Mr. Briceland:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby directed to furnish the California State Library with five copies of all bills, amendments, resolutions, journals, and such other matter as may be printed for this Assembly during the twenty-fifth (extra) session of said body.

Adopted.

Mr. Campbell moved to take up for consideration Assembly Bill No. 7, that it be read first time.

So ordered.

#### FIRST READING.

Assembly Bill No. 7—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-sixth fiscal year.

Read first time, and on motion of Mr. Campbell, it was ordered printed, with amendments recommended by the committee.

At eleven o'clock and ten minutes Mr. McClaskey moved to adjourn.

Mr. Barry moved to amend, by taking a recess until two o'clock P. M.

The question being on the amendment of Mr. Barry, it was adopted.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

The Speaker appointed Wm. T. Wallace to fill the vacancy on the Judiciary Committee occasioned by the resignation of Mr. Campbell.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Murdock: Assembly Bill No. 16—An Act to propose an amendment to section twenty-two of article twelve of the Constitution, relative to the Board of Railroad Commissioners.

Referred to Committee on Corporations.

At two o'clock and five minutes P. M. Mr. Murphy moved to adjourn.

Lost.

At two o'clock and ten minutes P. M. Mr. Wharton moved to adjourn.

Lost.

By Mr. Caminetti: Assembly Bill No. 17—An Act to propose an amendment to section ten of article thirteen of the Constitution of the State of California, relative to the assessment of property.

Referred to Committee on Constitutional Amendments.

At two o'clock and fifteen minutes P. M. Mr. Bibb moved to adjourn.

Mr. Terry moved to amend by adjourning until Monday morning at ten o'clock.

The question being on Mr. Bibb's motion to adjourn, it was lost.

The question then recurring on Mr. Terry's amendment, it was lost.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1884.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a communication from the Sergeant-at-Arms, have had the same under consideration and now report that, in the opinion of your committee, the Sergeant-at-Arms should be allowed one clerk, one Porter, and one Committee Room Porter; and further report that we find by resolutions passed by the last session of the Legislature, we were authorized to appoint the above mentioned attachés; further, that we find no authority vested in him to appoint a Page; and your committee recommend that one of the six Pages of the Assembly be assigned to that duty.

Also, a communication from Miss Burnett, relative to the appointment of a Post Office Page, and report the same findings as in the above communication, except as to Page to Sergeant-at-Arms.

CLARK, Chairman.

Adopted.

By permission of the House, Mr. Terry was allowed to withdraw his resolution of yesterday relative to the compensation of a Night Watchman.

#### ADJOURNMENT.

At two o'clock and twenty minutes P. M., on motion of Mr. McClaskey, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, March 28, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Flover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

The Chaplain being absent, prayer was omitted.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Gaussail, Cutter, and Granger.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. McClaskey, further reading was dispensed with.  
Journal of Thursday approved.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1884.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 9—An Act to amend section five hundred and twenty-six of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the issuance of injunctions—have had the same under consideration, and now report the same back, with an amendment, and recommend that it do pass as amended.

TERRY, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1884.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARRY, Chairman.

## INTRODUCTION OF BILLS.

By Mr. Keeler: Assembly Bill No. 19—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.  
Referred to Judiciary Committee.

## SECOND READING OF BILLS.

Assembly Bill No. 7—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-sixth fiscal year.

Ordered read second time.

## IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole, with Speaker La Rue in the chair, for the purpose of considering Assembly Bill No. 7.

The bill was considered in Committee of the Whole.

## IN ASSEMBLY.

Speaker La Rue in the chair.

## REPORT OF COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN: I am directed by the Committee of the Whole to report that they have had under consideration Assembly Bill No. 7—have amended the same, and now report it back, and recommend its passage as amended.

On motion of Mr. Campbell, the report of the committee was concurred in.

## CONCURRENT RESOLUTION.

By Mr. Hollister: Concurrent Resolution No. 4—Relative to the regulation of freights and fares on coasting vessels by Congress.

Referred to Committee on Federal Relations.

## RESOLUTIONS.

By Mr. Culver:

*Resolved*, That the Secretary of State be and he is hereby instructed to furnish each representative of the press who has a desk in this chamber, a copy of the Constitution of California, for use during the session, taking a receipt therefor, to be canceled on return of the volume.

Adopted.

By Mr. Stephens:

*Resolved by the Assembly in extra session assembled*, That the thanks of this body is due to his Excellency Governor George Stoneman and the Hon. John P. Dunn, for their strict adherence to their pledges made to the people of the State of California, in refusing to accept a less amount of taxes than the laws of the State demand of the railroad corporations or other taxpayers.

Mr. Brown moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Storke, Murphy, and Johnston, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Bowers, Brown, Caminetti, Carter, Cary, Coleman, Culver, Faw, Fleming, Harvey, Heath, Hollister, Irwin, Johnston, Keeler, Lewison, McClaskey, McKinley, Murdock, Nicol, Reeves, Ryan, Stewart, Sweetland, Terry, Walrath, Weaver, and Wharton—31.

NOES—Messrs. Atwell, Barry, Beard, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Field, Flynn, Fortna, Hamilton, Head, Hershey, Hunter, Kerrick, Martin, Matthews, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Stephens, Storke, Townsend, Wallace, Wheat, Wheelan, Yell, and Mr. Speaker—38.

Mr. Storke moved to refer the resolution to the Judiciary Committee.

So ordered.

## CONCURRENT RESOLUTION.

By Mr. Keeler: Assembly Bill No. 20—Relative to submitting to the people an amendment to section twenty-one of article twelve of the Constitution of the State of California, and relative to discrimination in charges or facilities for transportation by railroad or other transportation companies.

Referred to Committee on Constitutional Amendments.

## RESOLUTIONS.

By Mr. Farley:

*Resolved*, That the Secretary of State supply to the Assembly Chamber a number of cane-bottomed, revolving chairs, sufficient, in addition to those now in use there, to seat each member, the cost of which shall be paid out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Rawle:

*Resolved*, That T. A. Cullen be allowed four days' pay, at five dollars per day, as Porter and Assistant Clerk to Sergeant-at-Arms, and the Controller be and is hereby instructed to draw his warrant accordingly, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.  
Mr. Johnston moved to proceed with first reading of bills.  
So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 9—An Act to amend section five hundred and twenty-six of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the issuance of injunctions.

Read first time and ordered to second reading.

Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations.

Read first time and ordered to second reading.

On motion of Mr. Campbell, Assembly Bill No. 7 was ordered engrossed, printed, and to third reading.

#### LEAVE OF ABSENCE.

Mr. Caminetti was granted leave of absence until Monday.

On motion of Mr. Campbell, special order, set for to-day at two o'clock, was postponed, and made a special order for Tuesday next, at two o'clock P. M.

#### ADJOURNMENT.

At ten o'clock and fifty-five minutes, on motion of Mr. Johnston, the House adjourned until Monday, March thirty-first, at two o'clock P. M.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, March 31, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

#### LEAVE OF ABSENCE.

Leave of absence was granted for the day to Messrs. Culver, Coleman, Keeler, Hollister, Hershey, and Sweetland; also, Mr. Cutter was granted leave of absence until Thursday.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Murphy, further reading was dispensed with.

Journal of Friday approved.

## REPORT OF STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have examined Assembly Bill No. 7, entitled "An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year," and find it to be correctly engrossed.

CALLAGHAN, Chairman.

## INTRODUCTION OF BILLS.

By Mr. Nicol: Assembly Bill No. 21—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and twenty-nine, relative to the commencement of actions for the purpose of restraining the assessment and collection of taxes, and questioning the validity or legality of any tax.

Referred to Judiciary Committee.

By Mr. Breckinridge: Assembly Bill No. 22—An Act to provide for the more efficient collection of delinquent taxes.

Referred to Committee on Ways and Means.

By Mr. Granger: Assembly Bill No. 23—An Act to amend sections twenty-two and twenty-three, of article twelve, of the Constitution of this State, relating to Railroad Commissioners.

Referred to Committee on Constitutional Amendments.

By Mr. Brown: Assembly Bill No. 24—An Act entitled "An Act to amend sections three thousand six hundred and forty-four and three thousand six hundred and forty-five of the Political Code, relative to taxation."

Referred to Committee on Ways and Means.

By Mr. Irwin: Assembly Bill No. 25—An Act proposing an amendment to the Constitution of the State of California, in relation to the classification and regulation of railways.

Referred to Committee on Constitutional Amendments.

By Mr. Wallace: Assembly Bill No. 26—An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," concerning the collection of property taxes.

Referred to Committee on Ways and Means.

## THIRD READING OF BILLS.

Assembly Bill No. 7—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hunter, Irwin, Johnson, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Sinon, Stephens, Stewart, Storke, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

NOES—None.

Title approved.

## SECOND READING OF BILLS.

Assembly Bill No. 9—An Act to amend section five hundred and twenty-six of an Act entitled “An Act to establish a Code of Civil Procedure, relative to the issuance of injunctions.”

Read second time.

Amendment of the committee concurred in.

Mr. Johnston moved to amend by making the word “perpetual,” in line seven, read “perpetually.”

So ordered.

The bill was ordered engrossed, printed, and to a third reading.

Assembly Bill No. 10—An Act to prevent discrimination and abuses by railroad corporations.

The question being, shall the bill be read a second time, Mr. Levenson offered the following resolution :

*Resolved*, That Assembly Bill No. 10 be recommitted to the Judiciary Committee, with instructions to consider it, together with Assembly Bills Nos. 8 and 12, and report to the House such bill or bills as they may deem expedient; and Assembly Bill No. 12 is hereby withdrawn from the Committee on Corporations and referred to the Judiciary Committee.

Mr. Granger requested that the resolution be divided.

The question being on the first division, that Assembly Bill No. 10 be recommitted to the Judiciary Committee, with instructions to consider it together with Assembly Bills Nos. 8 and 12, and report to the House such bills as they may deem expedient, the ayes and noes being demanded by Messrs. Levenson, Healy, and Bibb, the roll was called, and the motion lost by the following vote :

AYES—Messrs. Barnes, Bibb, Brown, Fleming, Harvey, Healy, Levenson, McDonald, Rawle, and Stewart—10.

NOES—Messrs. Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hunter, Irwin, Johnston, Kerrick, Lewison, Martin, Matthews, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—59.

The question then being on the withdrawal of Assembly Bill No. 12 from the Committee on Corporations, and its reference to the Committee on Judiciary, the motion to so refer was carried.

The question then recurring, shall Assembly Bill No. 10 be read a second time, it was so ordered.

Mr. Irwin moved to amend as follows: By inserting in line eleven of the printed bill, after the word “freight,” the words, “of the same class or character.”

Mr. Barry moved as a substitute to Mr. Irwin's amendment, the following: By inserting in line twelve, after word “transportation,”



"except that a preference may be given to perishable articles, and to express matter and fast freights."

The question being on the substitute, it was adopted.

Mr. Nicol moved to amend as follows: Strike out all after word "carry," in line five, of section two, on page two, down to and including the word "request," in line seven of the same section.

Mr. Murdock moved the following substitute to the amendment: Strike out the word "persons," in line six, and insert in lieu thereof the word "shipper."

The question being on the adoption of the substitute, the motion was lost.

The question then recurring on the adoption of the original amendment, the motion to adopt was lost.

Mr. Granger moved to amend as follows: To insert in line seven of section two the word "reasonable" before the word "request."

Mr. Wharton moved as a substitute the following: Strike out the words "on request" in lines six and seven.

Adopted.

Mr. Johnston moved to amend section two, in line five, of the printed bill, by inserting between the words "furnish" and "a printed," the words "for examination."

Adopted.

Mr. Bibb moved to amend section two, line six: after the word "all" add "adult," so as to read "adult persons."

Lost.

Mr. McClaskey moved to amend section two as follows: By striking out all of line twelve; also all of line thirteen down to and including the word "made."

Lost.

Mr. Booth moved to amend section three by adding thereto the following: "Nothing in this section contained shall be construed to prevent such corporations from making such changes in the location and grade of their roads as may now be made under existing laws."

Mr. Wharton moved to amend section three by striking out all after the word "adopted," in line four.

Mr. Granger moved to postpone further consideration of Assembly Bill No. 10 until ten o'clock A. M. to-morrow, immediately after the reading of the Journal.

So ordered.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, March 31, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the following: Assembly Concurrent Resolution No. 1—Relative to the Postal Telegraph Bill, introduced in Congress by Hon. Charles A. Sumner.

Also, on March twenty-seventh, Senate Concurrent Resolution No. 1—Relative to the speedy passage of the Chinese Restriction Act now pending in Congress.

R. O. CRAVENS, Assistant Secretary.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That Paul Rediger be allowed two days' per diem, for services as Clerk to the Sergeant-at-Arms, and that the Controller be and is hereby instructed to draw his warrant for the same.

Referred to Committee on Employés and Attachés.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Stephens: Assembly Concurrent Resolution No. 5—

*Resolved by the Assembly, the Senate concurring,* That the thanks of the State of California be returned to D. O. Mills, for the beautiful and costly statuary group, typical of the discovery of America by Columbus, presented by him to the State and placed in the Rotunda of the Capitol.

*Resolved,* That the Governor be requested to forward to Mr. Mills an official copy of these resolutions.

Adopted.

By Mr. Levenson: Assembly Concurrent Resolution No. 6—For the call of a convention for proposing amendments to the Constitution of the United States, under article five of said Constitution.

Referred to Committee on Federal Relations.

Mr. Caminetti moved to take up Senate messages for consideration.  
So ordered.

Senate Concurrent Resolution No. 1—Relative to the speedy passage of the Chinese Restriction Act, now pending in Congress.

Resolution read, and on motion of Mr. Caminetti, it was adopted.

## ADJOURNMENT.

At four o'clock and thirty minutes, on motion of Mr. Brown, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, April 1, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crompton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Hollister was granted leave of absence for the week, Mr. Breckinridge until Thursday, and Mr. Coleman for this day.

The House refused to grant Mr. Moffitt an indefinite leave of absence.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Matthews, further reading was dispensed with.  
Journal of Monday approved.

## SPECIAL ORDER.

The special order for this hour, the further consideration of Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations.

The question being on the motion of Mr. Wharton to amend, the motion was lost.

Mr. Johnston moved to amend the amendment of Mr. Booth, as follows: Add "or from removing any temporary tracks that may be constructed by them."

Mr. Booth accepted the amendment.

The question being on the adoption of the amendment by Mr. Booth, the ayes and noes being demanded by Messrs. Johnston, Flynn, and Yell, the roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Crumpton, Culver, Faw, Hamilton, Harvey, Heath, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Plover, Reeves, Ryan, Stewart, Wallace, Walrath, and Wharton—35.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Briceland, Callaghan, Clark, Coombs, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Healy, Hershey, Hunter, Kerrick, McDonald, O'Connor, Peterson, Rawle, Rhiei, Sinon, Stephens, Storke, Terry, Townsend, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—37.

Mr. Irwin moved to amend by striking out all of section four.

Mr. Booth moved the following substitute: Amend section four by striking out the following: "And no corporation organized under the laws of any other Government, State, or sovereignty, is permitted to operate any railroad or carry by rail within this State."

Mr. Yell in the chair.

Pending the debate, Speaker La Rue resumed the chair.

The question being on the adoption of the substitute, and the ayes and noes being demanded by Messrs. Storke, Carter, and Nicol, the roll was called, and the House refused to adopt the substitute by the following vote:

AYES—Messrs. Booth, Caminetti, Campbell, Cary, Culver, Heath, and Walrath—7.

NOES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Breckinridge, Brown, Callaghan, Carter, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Hershey, Hunter, Irwin, Johnston, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—62.

The question then recurring on the adoption of the amendment by Mr. Irwin, the ayes and noes being demanded by Messrs. Storke, Campbell, and Clark, the roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Caminetti, Cary, Culver, Harvey, Irwin, Lewison, McKinley, and Walrath—11.

NOES—Messrs. Atwell, Barry, Bayley, Beard, Bibb, Briceland, Callaghan, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—60.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wallace: Assembly Bill No. 27—Proposed amendment to section ten, article thirteen, of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

Also, Assembly Bill No. 28—Proposed amendment to section four, article thirteen, of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

Also, Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations, who shall fail to pay their property taxes.

Referred to Committee on Ways and Means.

Also, Assembly Bill No. 30—Proposed amendment to section three, article thirteen, of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

Also, Assembly Bill No. 31—An Act prescribing the method of valuation and assessment of franchises, roadways, roadbeds, etc., and prescribing duties of State Board of Equalization.

Referred to Committee on Ways and Means.

Also, Assembly Bill No. 32—Proposed amendment to section two, of article thirteen, of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

#### REPORT OF STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1884.

MR. PRESIDENT: Your Committee on Enrollment, to whom was referred Concurrent Resolution No. 1, beg leave to report the same back as correctly enrolled, and that the same was, at eleven o'clock A. M., April 1, 1884, presented to the Governor for his approval.

SWEETLAND, Chairman.

#### RECESS.

The hour of recess having arrived, the House took a recess until two o'clock P. M.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

#### SPECIAL ORDER.

The special order for this hour being the consideration of the Assembly resolution introduced by Mr. Wallace, relative to the title to and ownership of the railways in this State, Mr. Murdock moved to postpone the special order set for this hour, until to-morrow, at two o'clock P. M.

Lost.

Mr. Barry moved that the further consideration of Assembly Bill

No. 10 be made a special order for to-morrow, immediately after the reading of the Journal.

So ordered.

At three o'clock and fifty-five minutes P. M., Mr. Irwin moved to adjourn.

Lost.

The question being on the adoption of the resolutions, Mr. Nicol moved that the further consideration of the resolutions be postponed until Tuesday next, at two o'clock P. M.

The question being on the motion to postpone, the ayes and noes being demanded by Messrs. Healy, Farley, and Terry, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Booth, Brown, Caminetti, Campbell, Carter, Cary, Culver, Faw, Harvey, Johnston, Keeler, Levenson, Lewison, McKinley, Murdock, Nicol, Parker, Reeves, Ryan, Stewart, Sweetland, Terry, Walrath, Wharton, and Wheelan—26.

**NOES**—Messrs. Atwell, Barry, Bayley, Beard, Bibb, Bowers, Briceland, Callaghan, Clark, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Peterson, Plover, Rawle, Rhiei, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Yell, and Mr. Speaker—48.

Mr. Irwin moved to postpone the further consideration of the resolutions until Saturday next, immediately after the reading of the Journal.

Mr. Caminetti moved to amend by substituting Thursday next, at two o'clock, instead of Saturday.

Mr. Irwin accepted the amendment.

The question being on the amendment, the ayes and noes being demanded by Messrs. Johnston, Healy, and Culver, the roll was called, and the House refused to adopt the amendment by the following vote:

**AYES**—Messrs. Barnes, Booth, Brown, Caminetti, Campbell, Carter, Cary, Crumpton, Culver, Faw, Field, Hamilton, Harvey, Heath, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, McKinley, Murdock, Nicol, Parker, Reeves, Ryan, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, and Wheelan—33.

**NOES**—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Briceland, Callaghan, Clark, Coombs, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Healy, Hershey, Hunter, Kerrick, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Peterson, Plover, Rawle, Rhiei, Sinon, Stephens, Storke, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—40.

At four o'clock and thirty minutes P. M., Mr. Johnston moved that the House do now adjourn.

The ayes and noes being demanded by Messrs. Atwell, Nicol, and Rhiei, the motion was lost by the following vote:

**AYES**—Messrs. Barnes, Booth, Briceland, Brown, Carter, Cary, Culver, Faw, Harvey, Irwin, Johnston, Keeler, Levenson, Lewison, McHale, McKinley, Murdock, Nichol, Reeves, Ryan, Sweetland, Terry, Walrath, and Wheelan—24.

**NOES**—Messrs. Atwell, Barry, Bayley, Beard, Bibb, Bowers, Callaghan, Caminetti, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhiei, Sinon, Stephens, Stewart, Storke, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—50.

Mr. Atwell moved the previous question.

The question being, shall the main question be now put.

## CALL OF THE HOUSE.

Mr. Brown moved a call of the House.

Lost.

The question recurring, shall the main question be now put, it was so ordered.

Mr. Terry moved that the resolutions be voted upon seriatim.

So ordered.

The question being on the adoption of the first resolution, the ayes and noes being demanded by Messrs. Atwell, Matthews, and Flynn, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Bowers, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaus-sail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Ker-rick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—57.

NOES—Messrs. Booth, Brown, Caminetti, Carter, Cary, Culver, Harvey, Keeler, Lewison, McKinley, Murdock, Nicol, Reeves, Terry, Walrath, and Weaver—16.

Mr. Johnston gave notice that, on to-morrow, he would move to reconsider the vote whereby the first resolution was adopted.

The question being on the adoption of the second resolution, the roll was called, and the House adopted the resolution by the follow- ing vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaus-sail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—73.

NOES—Mr. Walrath—1.

## POINT OF ORDER.

Mr. Levenson rose to a point of order: That it is not competent for this House to declare that the decision of a Court is erroneous.

The Speaker decided the point of order not well taken.

## AN APPEAL.

Mr. Levenson appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the House, the House sustained the Chair.

The question being on the adoption of the third resolution, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Atwell, Barry, Bayley, Beard, Bibb, Bowers, Briceland, Callaghan, Caminetti, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Field, Flynn, Fortna, Gaus-sail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—57.

NOES—Messrs. Barnes, Brown, Carter, Cary, Culver, Faw, Harvey, Lewison, McKinley, Murdock, Nicol, Reeves, Walrath, and Weaver—14.

The question now being on the adoption of the preamble and res- olutions as a whole, it was adopted.

## PROTEST.

I protest against the action of the House in adopting the first and third resolutions, upon the grounds:

1. Because they declare, in effect, that all railway property in this State is the property of the State; and that while the legal title of the same is in the several railway corporations, the "beneficial" or equitable title is in the people of the State; and that the possessors and managers of said railways are mere trustees and hold said property in trust for the State.

2. Because the adoption of them is, in effect, one coördinate branch of the Government calling in question and criticising the powers and acts of another, and declaring its proceedings and decisions to be a very alarming judicial and political heresy.

WEAVER.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Storke: Assembly Bill No. 33—An Act amending the Constitution.

Referred to Committee on Constitutional Amendments.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Wharton: Assembly Concurrent Resolution No. 7—Relative to declaring forfeited to the State the charters and franchises of the Southern and Central Pacific Railroads.

Referred to the Judiciary Committee.

## ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Mr. Healy, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, April 2, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Breckinridge was granted further leave of absence for this day.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Carter, further reading was dispensed with.  
Journal of Tuesday approved.

## EXPLANATION.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1884.

Mr. Keeler of Inyo and Mono would most respectfully ask to have it spread on the minutes that he voted "no" on the first of the Wallace resolutions, for the reason that he holds that the State simply has power, in its Legislature, to regulate fares and freights, and even, in case of the violation of a charter, to take the whole affair in charge, but that the stockholders own the material and mechanical equipment. He did not vote on the third resolution, because he did not feel competent, or, rather, did not think it within the province of the Legislature to virtually charge a United States Circuit Court with dereliction of duty, or with the violation of well known principles of law.

## COMMUNICATION.

By Mr. Levenson: Communication touching a breach of the privileges of the House.

Mr. Campbell moved to refer the communication to a special committee of three.

So ordered.

The Speaker appointed on said committee, Messrs. Campbell, Atwell, and Yell.

## SPECIAL ORDER.

The special order for this hour, the further consideration of Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations.

Mr. Ryan moved to amend section four, as follows: Add after the word "State," in line two, the words "as such corporations;" also, add after the word "sovereignty," in line four, "as such corporation;" and add after the word "State," in line five, "but must first incorporate under the laws of the State of California."

Lost.

Mr. Irwin moved to amend section four, as follows: On line one, after the word "corporation," insert "now or hereafter to be."

Lost.

Mr. Terry moved to amend section four, by striking out the words "or carry by rail."

Lost.

Mr. Brown moved to amend by inserting the word "railroad" before "corporation," in line three.

Lost.

Mr. Irwin moved to amend by striking out to and including "State," in line two, and insert "no railroad corporation, now or hereafter to be organized for the purpose of constructing and operating roads in this State."

Lost.

Mr. Booth raised the point of order, that section five does not come within the scope of the Governor's call.

The Chair held the point of order not well taken.



## AN APPEAL.

Mr. Irwin appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the House, the House sustained the decision of the Chair.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, April 2, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 5—Relative to statutory presented to the State of California by D. O. Mills.

R. O. CRAVENS, Assistant Secretary.

## CONSIDERATION OF ASSEMBLY BILL NO. 10 RESUMED.

Mr. Nicol moved to amend section six, as follows: Strike out the words "divided among its stockholders," in line five, and add, in lieu thereof, the words "be paid into the State Treasury of the State of California."

Lost.

Mr. Farley moved to amend section six, in line three of same, by inserting between the word "its" and the word "other," the words "rolling stock and other personal."

Mr. Wharton moved the following as a substitute: Amend by striking out of line three, the words "its other property," and inserting, in lieu thereof, the words "the property of the corporation."

Lost.

The question being on the adoption of the original amendment, the ayes and noes being demanded by Messrs. Bibb, Atwell, and Wharton, the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barnes, Booth, Bowers, Brown, Caminetti, Cary, Coleman, Crumpton, Culver, Farley, Field, Hamilton, Harvey, Heath, Hershey, Hunter, Keeler, Lewison, McHale, McKinley, Nicol, Parker, Sweetland, Townsend, Walrath, and Wheat—26.

NOES—Messrs. Atwell, Barry, Bayley, Beard, Bibb, Briceland, Callaghan, Campbell, Carter, Clark, Coombs, Doty, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Healy, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, Murdock, Murphy, O'Connor, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Wallace, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—48.

Mr. Campbell moved to amend section six, by striking out all after the figure "6," down to and including the word "use," in line three, and insert the following: "On the expiration or forfeiture of the charter of any railroad corporation, its road, roadway, roadbed, and all real property acquired or owned by it, shall vest in the people of the State for public use."

Lost.

Mr. Caminetti moved to amend, as follows: Strike out all of section six following the word "use."

Lost.

Mr. Johnston moved to amend section seven, by striking out all after the word "misdemeanor," in line fourteen, down to and including line sixteen.

The ayes and noes being demanded by Messrs. Johnston, Carter, and Sweetland, the roll was called, and the amendment lost by the following vote:

**AYES**—Messrs. Barnes, Booth, Brown, Caminetti, Campbell, Carter, Cary, Coleman, Crumpton, Culver, Faw, Field, Fleming, Hamilton, Harvey, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, McKinley, Murdock, Nicol, Ryan, Sweetland, Townsend, Walrath, Wharton, Wheelan, Yell, and Mr. Speaker—34.

**NOES**—Messrs. Barry, Bayley, Beard, Bibb, Briceland, Callaghan, Clark, Coombs, Doty, Farley, Flynn, Fortna, Gaussail, Granger, Head, Kerrick, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhie, Sinon, Stephens, Stewart, Storke, Terry, Weaver, and Wheat—34.

Mr. Wharton moved to amend section seven, by striking out of line sixteen the word "six," and insert, in lieu thereof, the word "twelve."

Lost.

Mr. Terry moved to amend section seven, by inserting after the word "company," in line six, the words "and any other person."

Lost.

Mr. Irwin moved to amend section seven, as follows: After the word "shall," in line six, insert, "knowingly and willfully."

Lost.

Mr. Johnston moved to amend section eight, by striking out all after the word "dissolved," in line six.

Lost.

The bill was read second time, ordered engrossed, printed, and to third reading.

#### REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1884.

**MR. SPEAKER:** Your Committee on Ways and Means, to whom was referred Assembly Bill No. 11—Entitled "An Act to amend the laws relating to revenue," and No. 15—Entitled "An Act to levy an income tax"—have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also, Assembly Bill No. 1—Entitled "An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to revenue and taxation and the method of collection thereof"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass with the following amendments: Add, after the word "advertised," on line six, page one, the following words: "commencing at the head of the list;" also, on line fifteen, page two, after the word "this," strike out the word "statute" and insert the word "section."

CAMPBELL, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1884.

**MR. SPEAKER:** Your Committee on Corporations, to whom was referred Assembly Bill No. 12, have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary, in conformity with the request of the House.

BARRY, Chairman.

Adopted.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That the State Printer be and he is hereby directed to print five hundred copies, instead of the usual edition, of the following bills, viz.: Assembly Bills No. 27 to No. 32, inclusive. Also, Assembly Bill No. 10.

Adopted.

By Mr. Rawle:

*Resolved*, That the Sergeant-at-Arms be instructed to receive and receipt to the Controller for all warrants due officers, clerks, and attachés of the Assembly for their per diem.

Adopted.

Mr. Breckinridge was granted further leave of absence until Friday.

## RECESS.

At twelve o'clock and twenty minutes, on motion of Mr. Nicol, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

## PRESENTATION OF PETITIONS.

By Mr. Leverson: Regarding certain members of the Assembly holding civil positions; and, also, charging certain persons with corruption.

Mr. Terry moved to lay the petition on the table.

Lost.

Mr. Leverson moved that a committee of nine be appointed by the House to investigate the charges, with power to send for witnesses, papers, etc.

Mr. Murphy moved to amend, by making the committee five, and that they be appointed by the Speaker.

Mr. Granger moved, as a substitute, that a committee of three be appointed by the Chair, to whom this matter shall be referred, to examine and report whether or not the dignity of the House requires an investigation to be made.

Mr. Culver moved to suspend the rules for the purpose of having the petition read.

So ordered.

Petition and affidavits read.

The question being on the substitute of Mr. Granger, it was lost.

Mr. Flynn moved, as a substitute, that the whole subject-matter be referred to the San Francisco delegation, excluding those under charges.

Lost.

The question being on the amendment offered by Mr. Murphy, it was adopted.

The question then being on the original motion offered by Mr. Leverson, as amended, it was adopted.

## A POINT OF ORDER.

Mr. Irwin raised the point of order, that the whole matter is not germane to the call of the Governor.

The Chair ruled the point of order not well taken, from which decision Mr. Irwin appealed.

On motion of Mr. Healy, the appeal was laid upon the table.

## REPORT OF STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully compared Assembly Bill No. 9—Entitled "An Act to amend section five hundred and twenty-six of an Act entitled 'An Act to establish a Code of Civil Procedure,' relative to the issuance of injunctions"—and find it to be correctly engrossed.

CALLAGHAN, Chairman.

## INTRODUCTION OF BILLS.

By Mr. Terry: Assembly Bill No. 34—Proposed amendment to section twenty-two, of article twelve, of the Constitution, relating to the Railroad Commission, and to repeal section twenty-three of said article.

Referred to Committee on Constitutional Amendments.

## THIRD READING OF BILLS.

Assembly Bill No. 9—An Act to amend section five hundred and twenty-six of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the issuance of injunctions.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussall, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—72.

NOES—None.

Title approved.

## FIRST READING OF BILLS.

Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof.

Read first time, and ordered to second reading.

Assembly Bill No. 11—An Act to amend the laws relating to revenue.

Read first time, and ordered to second reading.

## MOTION TO RECONSIDER.

Mr. Johnston, pursuant to notice, moved to reconsider the vote whereby the House adopted the first resolution of the series introduced by Mr. Wallace.

The Speaker ruled the motion out of order.

## FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 15—An Act to levy an income tax.  
Refused first reading.

## REPORT OF STANDING COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that we have carefully examined Assembly Bill No. 10—Entitled "An Act to prevent discriminations and abuses by railroad corporations"—and report it as being correctly engrossed.

CALLAGHAN, Chairman.

## RESOLUTION—(OUT OF ORDER).

By Mr. Atwell:

*Resolved*, That, whereas, the Honorable A. B. Moffitt has absented himself from this extra session of the Legislature of California without any sufficient cause proven or shown to the Assembly, the Sergeant-at-Arms is hereby required to bring the said Moffitt before the bar of this House as soon as possible.

On motion of Mr. Johnston, the resolution was laid on the table.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Wallace: Assembly Bill No. 35—An Act to provide for the collection of revenue.

Referred to Committee on Ways and Means.

## ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Johnston, the House adjourned.

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 IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, April 3, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crompton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Brown, further reading was dispensed with.

Journal of Wednesday approved.

Mr. Keeler addressed the House on a question of privilege.

## INTRODUCTION OF BILLS.

By Mr. Bibb: Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved

March 12, 1872, said section to be known as section three thousand seven hundred and twenty, limiting the rate of taxation in the various counties and cities and counties of this State.

Referred to Committee on Ways and Means.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, April 3, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 7—An Act relative to making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

R. O. CRAVENS, Assistant Secretary.

#### THIRD READING OF BILLS.

Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—72.

NOES—Messrs. Sweetland and Walrath—2.

Mr. Irwin moved to amend the title of the bill as follows: "An Act to prevent discriminations and reform abuses in railroad transportation, to prescribe punishment therefor, and for the general management of railroad corporations and property, and to dispose of such property upon the expiration or forfeiture of railroad charters."

Lost.

Title approved.

#### SECOND READING OF BILLS.

Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof.

Mr. Johnston moved an amendment to the amendment offered by the committee as follows: Section one—Strike out all after the word "same" in line fourteen.

Lost.

Amendments to section one offered by the committee concurred in.

Mr. Granger moved to amend section two, in line five, by substituting for the word "primary" the words "prima facie."

The ayes and noes being demanded by Messrs. Granger, Matthews, and Wharton, the roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Beard, Cary, Coleman, Farley, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Johnston, Matthews, McDonald, McKinley, Parker, Reeves, Rhie, Stephens, Storke, Terry, Townsend, Wallace, and Weaver—23.

NOES—Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Coombs, Crumpton, Doty, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Harvey, Heath, Hollister, Kerrick, Lewison, Martin, McClaskey, McHale, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Ryan, Sinon, Stewart, Sweetland, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—45.

Mr. Yell moved to amend section two as follows: Insert between lines five and six the following: 1. The property was assessed as required by law; 2. The property was equalized as required by law; 3. The taxes were levied in accordance with law.

Mr. Campbell moved, as an amendment to the amendment, to strike out all of section two.

Pending the consideration of the amendments, Mr. Wharton moved that Assembly Bill No. 1 be referred to the Judiciary Committee for further consideration, and that the same be reported back on Monday next.

So ordered.

#### REPORT OF A STANDING COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1884.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 8—An Act to amend section two hundred and eighty-three, of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations—have had the same under consideration, and now report the same back with amendments, and recommend that it pass as amended.

TERRY, Chairman.

#### SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 11—An Act to amend the laws relating to revenue.

On motion of Mr. Murdock, the bill was passed on the file.

#### FIRST READING OF BILLS.

Assembly Bill No. 8—An Act to amend section two hundred and eighty-three, of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations.

Read first time, and ordered to second reading.

#### ADJOURNMENT.

At twelve o'clock m., on motion of Mr. Murdock, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, April 4, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### LEAVE OF ABSENCE.

Messrs. Murphy and Flynn were granted leave of absence for the day, and Mr. Breckinridge for the remainder of the week.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Yell, further reading was dispensed with.  
Journal of Thursday approved.

#### REPORTS OF STANDING COMMITTEES.

##### COMMITTEE ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1884.

MR. SPEAKER: The following Assembly Bill No. 7, this day referred to the Committee on Enrollment, has been examined and found to be correctly enrolled, and the same was presented to the Governor for his approval at ten o'clock A. M., April 4, 1884.

SWEETLAND, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1884.

MR. SPEAKER: Your Committee on Enrollment, to whom was referred Assembly Concurrent Resolution No. 5, beg leave to report the same back as correctly enrolled, and it was, at ten o'clock and twenty minutes A. M., April 3, 1884, presented to the Governor.

SWEETLAND, Chairman.

##### ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1884.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution, by Mr. Rawle, relating to the pay of T. A. Cullen, have had the same under consideration, and now report the same back, and recommend that it do pass, with the following amendment: That the per diem be three dollars, instead of five.

Also, a resolution by Mr. Campbell, relative to pay of Paul Rediger, and recommend that it do pass, with the following amendment: That the pay be allowed for one day, instead of two.

CLARK, Chairman.

Adopted.

#### INTRODUCTION OF BILLS.

By Mr. Barry (on behalf of Committee on Corporations): Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution of the State, etc.

Referred to Committee on Corporations.

By Mr. Hollister: Assembly Bill No. 38—An Act to amend an Act entitled an Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara, approved March 27, 1874.

Referred to Judiciary Committee.



## APPOINTMENT OF SPECIAL COMMITTEE.

The Chair appointed Messrs. Farley, Terry, Townsend, Wharton, and Keeler, a special committee to investigate the charges preferred in the petition introduced by Mr. Levenson, relative to certain members of the Assembly holding civil positions; and, also, charging certain persons with corruption.

## SECOND READING OF BILLS.

Assembly Bill No. 11—An Act to amend the laws relating to revenue.

Passed on the file.

Assembly Bill No. 8—An Act to amend section two hundred and eighty-three, of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations.

Amendments of committee concurred in.

Read second time, ordered engrossed, printed, and to third reading.

## RESOLUTION.

By Mr. Cutter:

WHEREAS, By section seventeen, of article twenty, of the Constitution, eight hours is made the limit of a legal day's labor on public works; and, whereas, the employment of but two Watchmen for the twenty-four hours by the Assembly is in direct violation of said article; therefore,

*Resolved*, That Morris Seifert be appointed additional Watchman, vice J. S. O'Brien, at a per diem of four dollars, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 4, 1884. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 7—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

GEORGE STONEMAN, Governor.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Caminetti: Assembly Bill No. 39—An Act to repeal sections three thousand eight hundred and ninety-nine and three thousand nine hundred of the Political Code of the State of California, in relation to the collection of taxes by suit.

Referred to Committee on Ways and Means.

## REPORTS OF STANDING COMMITTEES.

## COMMITTEE ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1884.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 19—"An Act to amend section eighty-five of an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, relative to bribery"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 12—"An Act to prevent and punish discrimination by railroad corporations, their officers and servants"—and recommend that it do pass.

Also, Assembly Resolution—Relative to the pay of clerks for mileage—and report that it is the judgment of the committee that the clerks named in said resolution are not entitled, by law, to mileage, for attending this session of the Legislature.

Also, Assembly Bill No. 1—"An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to revenue and taxation, and the method of collection thereof," with amendments—and recommend its passage as amended.

Also, Assembly Concurrent Resolution No. 7—Relative to declaring forfeited to the State, the charters and franchises of the Southern and Central Pacific Railroads, and a majority of your committee recommend that it be not adopted.

TERRY, Chairman.

#### MINORITY REPORT.

MR. SPEAKER: We, the undersigned, members of the Judiciary Committee of the Assembly, having carefully considered Assembly Concurrent Resolution No. 7, believing it to be in consonance with the resolutions heretofore adopted by this body, respectfully submit this, our minority report, and recommend the passage of said resolution.

TERRY,  
WHARTON,  
CAMINETTI,  
McCLASKEY.

#### COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 3—Entitled "An Act proposing an amendment to section four, of article thirteen, relative to the assessment and taxation of mortgages"—have considered the same, and respectfully report it back to this Assembly, with a recommendation that it do not pass.

Also, Assembly Bill No. 4—Entitled "An Act to propose an amendment to section ten, of article thirteen, of the Constitution, relative to assessing property where situated"—have considered the same, and beg leave to report it back to the Assembly, with a recommendation that it do not pass.

Also, Assembly Bill No. 13—Entitled "An Act proposing an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor; and amending section ten (10), of article thirteen (13)—have had the same under consideration, and beg leave to report the same back to the Assembly, with a recommendation that it do not pass.

Also, Assembly Bill No. 28—Have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the amendments thereto, which are hereto attached.

GRANGER, Chairman.

The question being on the adoption of the following resolution, on motion of Mr. McClaskey, it was adopted:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of the following officers of the Assembly for the amount respectively set opposite their names, the same being mileage for the distance traveled by them in order to attend the present session of the Legislature:

George W. Herbert, Assistant Clerk, one hundred and forty-eight miles, at ten cents	.....\$14 80
J. Reimer, Assistant Clerk, one hundred and sixty-eight miles, at ten cents	..... 16 80
G. W. Peckham, Journal Clerk, four hundred miles, at ten cents	..... 40 00
C. B. Swift, Assistant Journal Clerk, ninety-four miles, at ten cents	..... 9 40
Charles A. Giffin, Engrossing Clerk, two hundred and thirty miles, at ten cents	..... 23 00
George B. Crandall, Minute Clerk, one hundred and sixty-eight miles, at ten cents	..... 16 80

#### LEAVE OF ABSENCE.

Mr. Atwell was granted leave of absence for the coming week, and Mr. Beard until Monday next.

At ten o'clock and fifty-five minutes A. M., Mr. Brown moved to adjourn until Monday next, at two o'clock P. M.

Mr. Yell moved to amend, that we do now adjourn.

Lost.

The question then recurring on the motion of Mr. Brown to adjourn until Monday, at two o'clock p. m., the ayes and noes being demanded by Messrs. Townsend, Yell, and Bibb, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Bibb, Brown, Caminetti, Campbell, Carter, Cary, Culver, Cutter, Gaussail, Hall, Healy, Johnston, Keeler, Levenson, McClaskey, McDonald, Nicol, O'Connor, Plover, Rawie, Stewart, Sweetland, and Wheelan—24.

**NOES**—Messrs. Atwell, Barry, Bayley, Booth, Bowers, Briceland, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Kerrick, Lewison, Martin, Matthews, McHale, McKinley, Murdock, Parker, Peterson, Reeves, Rhie, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—47.

Mr. Barry moved to take up Assembly Bill No. 1 for consideration.  
So ordered.

#### FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1.

Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof.

The committee recommended the following amendment to section two: Insert in line three of printed bill, between the word "matters" and the word "recited," the words "required to be."

Also, by inserting in line five of printed bill, the words "prima facie," in lieu of the word "primary."

Mr. Campbell moved as a substitute to the amendment offered by the committee, the following: "Strike out all of section two."

Mr. Terry moved the previous question.

Lost.

The question then being on the adoption of the substitute offered by Mr. Campbell, it was lost.

The question then recurring on the adoption of the amendments recommended by the committee, the amendments were adopted.

The committee recommended that section two be amended, as follows: By inserting after the word "that," in line five, of printed bill:

1. "The property was assessed as required by law."
2. "The property was equalized as required by law."
3. "The tax was levied in accordance with law."

Lost.

The committee recommended the amendment of section three, by striking out all after the word "deed," in line six of the printed bill, to and including the word "made," in line seven of the printed bill.

Adopted.

Mr. Murdock moved to reconsider the vote whereby the House refused to adopt the amendment offered by the committee to section two.

So ordered.

The question then being on the adoption of the amendment offered to section two by the committee, the amendment was adopted.

The committee recommend that section three be amended, by

inserting before the word "protest," in line eleven of the printed bill, the word "written."

Adopted.

Also, strike out all of section three, after the word "Treasury," in line twenty-nine of printed bill, and insert in lieu thereof the following: "Nothing in this section shall be construed so as to prevent any person, whose land has been sold for taxes, from contesting the validity of such sale."

Adopted.

Mr. Irwin moved to amend by striking out of section three, line twenty-three, the words "any Court of competent jurisdiction," and inserting instead the following: "In the Superior Court of the county in which such property is situated; *provided*, that when the assessment is made by the State Board of Equalization, such action may be commenced in any Court of competent jurisdiction in the State."

Lost.

Mr. Granger moved to amend the amendment offered by the committee to section three, by adding the following: "Subject to the foregoing provisions."

Lost.

Mr. Campbell moved to amend section three, by adding after the word "whatsoever," in line sixteen, the words, "except in case of double assessment."

Adopted.

Mr. Granger moved to recommit the bill to the Judiciary Committee, with instructions to report it back, with such amendments as they may deem proper.

Mr. Terry moved, as a substitute, that the bill be referred to a special committee, to be composed of Messrs. Granger, Farley, and Wharton.

RECESS.

Pending the discussion, the hour of recess having arrived, the House took a recess until two o'clock P. M.

REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

LEAVE OF ABSENCE.

Mr. Booth was granted leave of absence until Monday afternoon.

CALL OF THE HOUSE.

Mr. Carter moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale,

McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Rhiei, Stephens, Stewart, Terry, Townsend, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Brown moved that further proceedings under call of the House be dispensed with.

Lost.

Mr. Atwell moved that the Sergeant-at-Arms be instructed to bring the absentees before the bar of the House.

Mr. Hollister moved to amend, "bringing in those in the immediate vicinity of Sacramento."

Adopted.

Mr. Coleman moved that further proceedings under call of the House be dispensed with.

Adopted.

The question being upon the motion of Mr. Granger to refer Assembly Bill No. 1 to the Judiciary Committee, it was lost.

The question then being to refer to a special committee, composed of Messrs. Granger, Farley, and Wharton, the motion to so refer was adopted.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Caminetti:

*Resolved*, That the mileage heretofore allowed by resolution of the Assembly to the following officers, viz.: Assistant Clerks, Minute Clerk, Journal Clerk, Engrossing Clerk, and Assistant Journal Clerk, be paid out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrants for the same.

Adopted.

Mr. Granger moved that the following resolution be taken from the table:

*Resolved*, That, whereas, the Honorable A. B. Moffitt has absented himself from this extra session of the Legislature of California without any sufficient cause proven or shown to the Assembly, the Sergeant-at-Arms is hereby required to bring the said Moffitt before the bar of this House as soon as possible.

So ordered.

Mr. Irwin moved to amend the foregoing resolution by adding the name of Mr. Clement.

At two o'clock and twenty minutes, Mr. Kerrick moved to adjourn.

Mr. Nicol moved to amend by making it two o'clock Monday next.

The question being on the motion to adjourn, it was lost.

The question then being on the motion to adjourn until two o'clock Monday, the ayes and noes being demanded by Messrs. Barry, Campbell, and Rhiei, the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Atwell, Barnes, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Culver, Gaussail, Harvey, Kerrick, McClaskey, McDonald, Nicol, O'Connor, Plover, Rawle, Stewart, Sweetland, Terry, Weaver, and Wheelan—23.

NOES—Messrs. Barry, Bayley, Bowers, Briceland, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Lewison, Martin, Matthews, McHale, McKinley, Murdock, Parker, Peterson, Rhiei, Stephens, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—38.

#### LEAVE OF ABSENCE.

Mr. Coleman was granted leave of absence until Monday.

## CALL OF THE HOUSE.

Mr. Terry moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Stephens, Stewart, Sweetland, Terry, Townsend, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Matthews moved that the Sergeant-at-Arms be instructed to bring all absentees within the City of Sacramento, before the bar of the House, and that they be fined one dollar, unless able to give a good and sufficient excuse.

So ordered.

Messrs. Walrath, Reeves, and Wallace were brought before the bar of the House, and, upon offering a sufficient explanation, were excused.

Mr. Kerrick moved that further proceedings under call of the House be dispensed with.

So ordered.

(RESOLUTION—OUT OF ORDER).

By Mr. Brown:

*Resolved*, That when we adjourn to-day, we adjourn till Monday next, at two o'clock P. M.

The question being on the adoption of the resolution, the ayes and noes being demanded by Messrs. Yell, Barry, and Peterson, the roll was called, and the House refused to adjourn by the following vote:

**AYES**—Messrs. Atwell, Barnes, Brown, Caminetti, Campbell, Carter, Cary, Culver, Doty, Faw, Harvey, Heath, Hollister, Keeler, Lewison, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Stewart, Sweetland, Terry, Walrath, Weaver, Wharton, and Wheelan—31.

**NOES**—Messrs. Barry, Bayley, Briceland, Clark, Coombs, Crumpton, Cutter, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McKinley, Peterson, Reeves, Rhiel, Stephens, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—31.

The consideration of the resolution relative to the absence of Mr. Moffitt, resumed.

Mr. Terry moved that the consideration of the whole subject-matter be indefinitely postponed.

Adopted.

Mr. Cutter moved to proceed with first reading of bills.

So ordered.

## FIRST READING OF BILLS.

Assembly Bill No. 3—An Act to propose an amendment to section four, article thirteen, of the Constitution, relative to the assessment and taxation of mortgages.

Withdrawn.

Assembly Bill No. 4—An Act to propose an amendment to section ten, article thirteen, of the Constitution, relative to the assessing of property where situated.

Read first time, and ordered to second reading.

Assembly Bill No. 12—An Act to prevent and punish discriminations by railroad corporations, their officers, and servants.

On motion of Mr. Murdock, the bill was passed on file.

Assembly Bill No. 13—An Act to propose an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor.

Read first time, and ordered to second reading.

Assembly Bill No. 19—An Act to amend section eighty-five of the Penal Code, relative to bribery.

Read first time, and ordered to second reading.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Read first time.

Mr. Campbell moved to strike out of section four, the words "article thirteen," in line six, printed bill.

So ordered.

Also, that the Clerk be instructed to add to the title, "relating to revenue and taxation."

So ordered.

Mr. Terry moved to declare the consideration of Assembly Bill No. 28 a case of urgency; that the rules be suspended, and the bill placed upon its second reading.

The question being on the suspension of the rules, the roll was called, and the House refused to suspend the rules by the following vote:

AYES—Messrs. Atwell, Bayley, Bowers, Briceland, Campbell, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Parker, Peterson, Stephens, Terry, Wallace, Wharton, Wheat, and Yell—37.

NOES—Messrs. Barnes, Barry, Brown, Caminetti, Carter, Cary, Cutter, Fortna, Harvey, Murdock, Nicol, Plover, Rawle, Reeves, Rhiel, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, and Mr. Speaker—22.

Mr. Granger moved that Assembly Bill No. 28 be printed with the amendments.

Adopted.

At three o'clock and thirty-five minutes, Mr. Terry moved to adjourn until two o'clock Monday next.

Mr. Matthews moved to amend, that we do now adjourn.

The question being on the amendment to adjourn, the ayes and noes being demanded by Messrs. Granger, Sweetland, and Barry, the roll was called, and the House refused to adjourn by the following vote:

AYES—Messrs. Barry, Bayley, Bowers, Briceland, Clark, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Martin, Matthews, McKinley, Parker, Peterson, Plover, Rhiel, Storke, Wallace, Wheat, Yell, and Mr. Speaker—30.

NOES—Messrs. Atwell, Barnes, Brown, Caminetti, Campbell, Carter, Cary, Coombs, Culver, Faw, Harvey, Heath, Johnston, Keeler, Kerrick, Lewison, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Rawle, Reeves, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—33.

Mr. Sweetland moved that when the House adjourns, it adjourns to meet on Monday next, at two o'clock.

Mr. Granger moved to amend by making the hour two o'clock to-morrow.

Lost.

Mr. Barry moved to amend by making the hour ten o'clock to-morrow.

Lost.

Mr. Yell moved to adjourn.

The question being on the motion to adjourn, the ayes and noes being demanded by Messrs. Barry, Yell, and Clark, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barry, Bayley, Briceland, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Martin, Matthews, McKinley, Peterson, Rhie, Wallace, Wheat, Yell, and Mr. Speaker—28.

NOES—Messrs. Barnes, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Culver, Faw, Harvey, Heath, Johnston, Keeler, Kerrick, Lewison, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—35.

The question then recurring on the motion of Mr. Sweetland, making the hour two o'clock Monday next, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barnes, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Coombs, Culver, Faw, Fleming, Harvey, Heath, Irwin, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, Murdock, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wheelan, and Mr. Speaker—38.

NOES—Messrs. Barry, Bayley, Briceland, Clark, Crumpton, Cutter, Doty, Farley, Field, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Martin, Matthews, McKinley, Peterson, Rhie, Wallace, Wharton, Wheat, and Yell—24.

Mr. Campbell moved that the House do now proceed to consider Assembly Concurrent Resolution No. 7—Relative to declaring forfeited to the State the charters and franchises of the Southern and Central Pacific Railroads.

So ordered.

Mr. Wharton moved that the consideration of the resolution be made a special order for Thursday next, at two o'clock p. m.

So ordered.

At four o'clock, Mr. Campbell moved to adjourn till two o'clock on Monday next.

The ayes and noes being demanded by Messrs. Yell, Townsend, and Rhie, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barnes, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Culver, Faw, Fleming, Harvey, Heath, Hershey, Irwin, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, Murdock, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—36.

NOES—Messrs. Barry, Bayley, Briceland, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fortna, Granger, Hamilton, Head, Hunter, Martin, Matthews, Peterson, Rhie, Storke, Wallace, Wheat, Yell, and Mr. Speaker—24.

#### AN APPEAL.

The Chair having decided the motion lost, Mr. Terry appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the House, the House sustained the Chair.



## LEAVE OF ABSENCE.

Mr. Irwin was granted leave of absence until Tuesday next, at three o'clock P. M.

At four o'clock and two minutes P. M., Mr. Yell moved to adjourn. Mr. Terry moved a call of the House.

Lost.

The question then being on the motion to adjourn, the ayes and noes being demanded by Messrs. Sweetland, Yell, and Johnston, the roll was called, and the motion lost by the following vote :

AYES—Messrs. Atwell, Barry, Bayley, Briceland, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hunter, Irwin, Martin, Matthews, McHale, McKinley, Peterson, Rhiei, Wallace, Wheat, Yell, and Mr. Speaker—28.

NOES—Messrs. Barnes, Bowers, Brown, Caminetti, Campbell, Carter, Cary, Culver, Faw, Harvey, Heath, Hershey, Johnston, Kerrick, Lewison, McClaskey, McDonald, Murdock, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—32.

Mr. Terry moved to adjourn until two o'clock P. M., Monday next.

Mr. Brown moved to amend by making the hour ten o'clock A. M., Monday next.

The question being on the amendment, the ayes and noes being demanded by Messrs. Yell, Johnston, and Barry, the roll was called, and the amendment was lost by the following vote :

AYES—Messrs. Atwell, Barnes, Barry, Bowers, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Culver, Faw, Field, Harvey, Heath, Hershey, Hunter, Irwin, Johnston, Lewison, McClaskey, McDonald, McKinley, Murdock, O'Connor, Parker, Reeves, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—36.

NOES—Messrs. Bayley, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Fortna, Granger, Hamilton, Head, Kerrick, Martin, Matthews, McHale, Peterson, Plover, Rawle, Rhiei, Stephens, Wallace, Weaver, and Yell—23.

At four o'clock and ten minutes, Mr. Campbell moved to adjourn until two o'clock and thirty minutes P. M., Monday next.

Mr. Rhiei moved to amend, that we do now adjourn.

The question being on the amendment to adjourn, the ayes and noes being demanded by Messrs. Johnston, Terry, and Yell, the roll was called, and the amendment was lost by the following vote :

AYES—Messrs. Barry, Bayley, Briceland, Brown, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Martin, Matthews, Peterson, Rhiei, Wallace, Wheat, Yell, and Mr. Speaker—26.

NOES—Messrs. Atwell, Barnes, Bowers, Caminetti, Campbell, Carter, Cary, Culver, Faw, Harvey, Heath, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—33.

Mr. Matthews moved that we take a recess until seven o'clock this evening.

Lost.

The question recurring on the motion of Mr. Campbell, to adjourn until two o'clock and thirty minutes P. M., Monday next, the ayes and noes being demanded by Messrs. Rhiei, Townsend, and Matthews, the roll was called, and the motion lost by the following vote :

AYES—Messrs. Barnes, Brown, Campbell, Carter, Cary, Faw, Fleming, Harvey, Heath, Irwin, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor,

Parker, Plover, Rawle, Reeves, Sinon, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—34.

NOES—Messrs. Barry, Bayley, Briceland, Caminetti, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Martin, Matthews, Peterson, Rhiei, Wallace, Wheat, and Yell—24.

At four o'clock and twenty minutes, Mr. Barry moved that we do now adjourn.

The ayes and noes being demanded by Messrs. Johnston, Faw, and Caminetti, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barry, Briceland, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Martin, Matthews, Peterson, Rhiei, Storke, Wallace, Wheat, Yell, and Mr. Speaker—26.

NOES—Messrs. Barnes, Bayley, Brown, Caminetti, Campbell, Carter, Cary, Harvey, Heath, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Plover, Rawle, Reeves, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—30.

At four o'clock and twenty-five minutes P. M., Mr. Campbell moved to adjourn until Monday next, at two o'clock and thirty minutes P. M.

Mr. Granger moved a call of the House.

Lost.

Mr. Barry moved, as an amendment, making the time ten o'clock A. M., Monday next.

Mr. Cutter moved that we do now adjourn.

The question being on the motion to adjourn, the ayes and noes being demanded by Messrs. Caminetti, Clark, and Johnston, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Briceland, Caminetti, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Head, Hershey, Hunter, Irwin, Martin, Matthews, Peterson, Rhiei, Storke, Wallace, Wheat, Yell, and Mr. Speaker—27.

NOES—Messrs. Barnes, Brown, Campbell, Carter, Cary, Faw, Harvey, Heath, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, and Wheelan—30.

The question then recurring on the amendment of Mr. Barry, making the time ten o'clock Monday next, it was lost.

The question then being on the motion of Mr. Campbell, making the time Monday next, at two o'clock and thirty minutes P. M., the ayes and noes being demanded by Messrs. Matthews, Clark, and Peterson, the roll was called, and the motion was adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Bayley, Brown, Caminetti, Campbell, Carter, Cary, Crumpton, Doty, Faw, Fleming, Hamilton, Harvey, Heath, Hershey, Irwin, Johnston, Kerrick, Lewison, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Plover, Rawle, Reeves, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—42.

NOES—Messrs. Barry, Briceland, Clark, Coombs, Cutter, Farley, Field, Fortna, Granger, Head, Hunter, Martin, Matthews, Peterson, Rhiei, Wallace, Wheat, and Yell—18.

#### ADJOURNMENT.

At four o'clock and fifty-five minutes, the House adjourned until Monday next, at two o'clock and thirty minutes P. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, April 7, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Holister, Hunter, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Messrs. Keeler and McClaskey were granted leave of absence for the day, and Mr. Wheat for two days.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Cutter, further reading was dispensed with.

Journal of Friday approved.

## REPORTS OF STANDING COMMITTEES.

## COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that they have carefully examined Assembly Bill No. 8—Entitled “An Act to amend section two hundred and eighty-three, article one, chapter one, title one, part four, of the Civil Code,” being the general provisions applicable to all corporations—and find it correctly engrossed.

CALLAGHAN, Chairman.

## COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 29—“An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes”—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 24—An Act entitled “An Act to amend sections three thousand six hundred and forty-four and three thousand six hundred and forty-five of the Political Code, relative to taxation”—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the following amendments: Strike out the words “Political Code,” in the title of the printed bill, and insert therefor, the words “of an Act entitled ‘An Act to establish a Political Code,’ approved March 12, 1872.”

Also, in section one, line one, strike out the last word "the," in said line, and in line two of said section of printed bill, strike out the words "Political Code," and substitute for the whole, the words "said Act."

Also, in section one, on line five, of the printed bill, strike out the word "township." After the words "in which the," in line five, add the words "vessel has its situs or home port." Strike out the remainder of section one, beginning with the word "owners," on line five, and ending with the word "licensed," on line nine.

Also, strike out all of section two of printed bill.

CAMPBELL, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 26—"An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled 'An Act to establish a Political Code,' concerning the collection of property taxes"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the following amendments: Strike out the word "concerning," in the title of the printed bill, and insert the words "approved March 12, 1872, relating to."

Also, in section one, line two, of printed bill, strike out the words, "An Act entitled 'An Act to establish a Political Code,'" and insert therefor the words "said Act."

Also, strike out the word "forty," on line nine, section one, of printed bill, and substitute therefor the word "twenty."

Also, in said section, on line fourteen thereof, after the word "costs," add the following: "including the Recorder's fee for filing the certificate of sale."

CAMPBELL, Chairman.

#### MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: We, the undersigned, members of the Committee on Ways and Means, dissent from the majority report of said committee, in recommending that Assembly Bill No. 24 do pass, and we hereby recommend that it do not pass.

FLYNN,  
BOOTH,  
HEALY.

#### COMMITTEE ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 37—"An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation—have had the same under consideration, and respectfully report the same back, and recommend the passage of the substitute thereto annexed.

BARRY, Chairman.

#### REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1884.

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 1, beg leave to report that they have had the same under consideration, and that, on account of the number of amendments found necessary to be made thereto, they have made and now offer the annexed bill as a substitute therefor, and recommend its passage.

FARLEY, Chairman.

#### INTRODUCTION OF BILLS.

By Mr. Parker: Assembly Bill No. 40—An Act to amend section three thousand seven hundred and seventy-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of property for taxes.

Referred to Committee on Ways and Means.

Mr. Leverson moved that a committee of three be appointed to examine into the correctness of the Journal of Friday, the fourth of April, and report to this House any errors that may appear therein.

Adopted.

The Speaker appointed Messrs. Leverson, Terry, and Booth on said committee.

## THIRD READING OF BILLS.

Assembly Bill No. 8—An Act to amend section two hundred and eighty-three, of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McDonald, McKinley, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Simon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—62.

NOES—Mr. Barnes—1.

Title approved.

## SECOND READING OF BILLS.

Assembly Bill No. 19—An Act to amend section eighty-five of the Penal Code, relative to bribery.

On motion of Mr. Yell the bill was passed on file.

Assembly Bill No. 4—An Act to propose an amendment to section ten, article twelve, of the Constitution, relative to the assessing of property where situated.

The question being, shall the bill be read a second time, the ayes and noes being demanded by Messrs. Cutter, Barry, and Brown, the roll was called, and the House refused to read the bill a second time by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Coombs, Cutter, Fleming, Harvey, Head, Hershey, Johnston, Levenson, McDonald, McHale, McKinley, Nicol, Ryan, Stewart, and Sweetland—18.

NOES—Messrs. Barry, Bayley, Beard, Bibb, Briceland, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Crumpton, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hunter, Kerrick, Lewison, Martin, Matthews, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Simon, Stephens, Storke, Terry, Townsend, Wallace, Wharton, Wheelan, Yell, and Mr. Speaker—46.

Assembly Bill No. 13—An Act to propose an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor.

On motion of Mr. Granger, the bill was placed on the file.

Assembly Bill No. 27—An Act to propose an amendment to section ten, article thirteen, of the Constitution of the State of California, relative to the assessment of railroad property.

Ordered read second time.

Mr. Granger moved to reconsider the vote whereby the House ordered Assembly Bill No. 27 read a second time.

So ordered.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Read second time.

Amendments recommended by the committee adopted.

Mr. Cutter moved to amend, by adding to the section: "The

assessment of any mortgage shall not be increased beyond the amount of principal remaining unpaid thereon at the time of said assessment, by any Board of Equalization, either County or State."

Mr. Granger moved that Assembly Bill No. 28 be recommitted to the Committee on Constitutional Amendments, to consider any amendments that may be offered.

So ordered.

Assembly Bill No. 11—An Act to amend the laws relating to revenue.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Levenson :

*Resolved*, That persons who willfully abstain from paying the taxes assessed to them ought not to be afforded protection in their civil rights by the Courts of this State.

*Resolved*, That Assembly Bill No. 11 be recommitted to the Committee on Ways and Means, with instructions to report to this House a bill to withdraw from the protection of the Courts of this State the civil rights of persons willfully neglecting to pay their taxes.

Mr. Granger moved that the resolutions be referred to a special committee of five, and that they report thereon to the House.

Mr. Heath moved to lay the resolutions on the table.

So ordered.

#### LEAVE OF ABSENCE.

Messrs. Terry and Caminetti were granted leave of absence until Wednesday.

Assembly Bill No. 11 passed on file until Wednesday next.

#### FIRST READING OF BILLS.

Assembly Bill No. 12—An Act to prevent and punish discriminations by railroad corporations, their officers, and servants.

On motion of Mr. Terry, the bill was passed on file until Wednesday next.

Assembly Bill No. 24—An Act entitled "An Act to amend sections three thousand six hundred and forty-four and three thousand six hundred and forty-five of the Political Code, relative to taxation."

Read first time, and ordered to second reading.

Assembly Bill No. 26—An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," concerning the collection of property taxes.

Read first time, and ordered to second reading.

Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes.

Read first time, and ordered to second reading.

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation.

Read first time.

Substitute offered by committee read first time, ordered printed, and to second reading.

#### RESOLUTIONS.

By Mr. Farley :

*Resolved*, That the special committee appointed to investigate "certain charges preferred

against certain members of the Assembly," is hereby authorized to employ a clerk, at a salary of five dollars per day, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Barry :

*Resolved*, That the State Controller be and he is hereby authorized to draw his warrant, payable out of the Contingent Fund of the Assembly, for the sum of thirty (\$30) dollars, in favor of E. A. Girvin, for services rendered as Stenographer to the Committee on Corporations.

Referred to Committee on Attachés and Employés.

#### CONCURRENT RESOLUTIONS.

By Mr. Coleman: Assembly Concurrent Resolution No. 8—Concerning the proposed legislation now pending in the Congress of the United States, to authorize the reopening of adjudicated title to lands situate in the State of California, and patented by the United States, under grants by the Mexican Government.

Referred to Judiciary Committee.

By Mr. Bayley: Assembly Concurrent Resolution No. 9—Relative to the location of eastern boundary line of the State of California.

Referred to Committee on Federal Relations.

#### ADJOURNMENT.

At four o'clock and forty-five minutes, on motion of Mr. Campbell, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, April 8, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names :

Messrs. Bayley, Barnes, Barry, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Carter, Campbell, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Townsend, Wallace, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Wharton, further reading was dispensed with.

## SECOND READING OF BILLS.

Assembly Bill No. 19—An Act to amend section eighty-five of the Penal Code, relative to bribery.

On motion of Mr. Yell, the bill was passed on file.

Assembly Bill No. 13—An Act to propose an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor.

On motion of Mr. Reeves, the bill was passed on file.

Assembly Bill No. 26—An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," concerning the collection of property taxes.

Read second time.

Amendments by committee adopted.

The bill was ordered engrossed, printed, and to third reading.

Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes.

Read second time.

Mr. Cutter moved to amend by striking out all of section five.

The ayes and noes being demanded by Messrs. Cutter, Levenson, and Walrath, the roll was called, and the motion lost by the following vote :

AYES—Messrs. Barnes, Booth, Cutter, Harvey, Levenson, Lewison, McKinley, and Walrath—8.

NOES—Messrs. Barry, Beard, Bowers, Breckinridge, Briceland, Brown, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Storke, Townsend, Wallace, Wharton, Wheelan, Yell, and Mr. Speaker—53.

The bill was ordered engrossed, and to third reading.

Assembly Bill No. 24—An Act entitled "An Act to amend sections three thousand six hundred and forty-four and three thousand six hundred and forty-five of the Political Code, relative to taxation."

Mr. Campbell moved that Assembly Bill No. 24 be recommitted to the Committee on Ways and Means, for further consideration.

So ordered.

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation.

Passed on file.

## FIRST READING OF BILLS.

Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof.

Passed on file.



## RESOLUTION—(OUT OF ORDER).

By Mr. Cutter:

*Resolved*, That the Controller of State is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, for the sum of twenty-five dollars, the same to be applied to the payment of a locksmith for repairing the locks on the desks and drawers in this chamber and in the office of the Sergeant-at-Arms, and for postage stamps and stationery for the use of the office of the Sergeant-at-Arms during the present session, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Public Expenditures and Accounts.

## RECESS.

At ten o'clock and thirty minutes P. M., on motion of Mr. Townsend, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.

Mr. Campbell, Speaker pro tem., in the chair.

Quorum present.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 19—An Act to amend section eighty-five of the Penal Code, relative to bribery.

The question being, shall the bill be read a second time, the ayes and noes being demanded by Messrs. Healy, Bayley, and Sweetland, the roll was called, and the House ordered the bill read a second time by the following vote:

AYES—Messrs. Barnes, Bayley, Bibb, Bowers, Brown, Callaghan, Carter, Cary, Coleman, Coombs, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Harvey, Head, Healey, Heath, Hershey, Hunter, Johnston, Keeler, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Wallace, Wheelan, Yell, and Mr. Speaker—49.

NOES—Messrs. Beard, Campbell, Clark, Crumpton, Hamilton, Hollister, Kerrick, Lewison, McDonald, Nicol, Storke, Sweetland, Townsend, Walrath, and Wharton—15.

Read second time.

Mr. Keeler moved to amend as follows: Add, after the word "trust," in line eighteen, printed bill, "and the same disposition shall be made of the fine in this case as in the case of the party on trial before his Court."

Adopted.

Mr. Granger moved to amend, by striking out all between the word "Treasury," in line eleven, page two, and the first word, "any," in line twelve of said page.

Lost.

## POINT OF ORDER.

Mr. Wharton rose to a point of order, that Assembly Bill No. 19 did not come within the scope of the call of the Governor for an extra session.

The Chair decided the point well taken.

## AN APPEAL.

Mr. Flynn appealed from the decision of the Chair.

Mr. Townsend moved to lay the appeal on the table.

The question being on the motion to lay the appeal on the table, the ayes and noes being demanded by Messrs. Townsend, Flynn, and Johnston, the roll was called, and the motion carried by the following vote:

**AYES**—Messrs. Bayley, Brown, Callaghan, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Gaussail, Granger, Hamilton, Harvey, Head, Healy, Hershey, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McKinley, Nicol, O'Connor, Parker, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Townsend, Yell, and Mr. Speaker—39.

**NOES**—Messrs. Barnes, Beard, Bibb, Booth, Bowers, Carter, Culver, Faw, Field, Flynn, Fortna, Heath, Hollister, Hunter, Lewison, McClaskey, McDonald, McHale, Murdock, Murphy, Peterson, Plover, Storke, Sweetland, Wallace, Walrath, Wharton, and Wheelan—28.

## REPORTS OF COMMITTEES—(OUT OF ORDER.)

## COMMITTEE ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1884.

**MR. SPEAKER:** Your Committee on Federal Relations beg leave to report that we have had under consideration Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Transportation—and now report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

## COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1884.

**MR. SPEAKER:** Your Committee on Constitutional Amendments, to whom was referred amended Assembly Bill No. 28, introduced by Mr. Wallace, and entitled "An amendment to section four, of article thirteen, of the Constitution of the State of California, proposed by the Legislature of the State of California, at the twenty-fifth (extra) session, pursuant to the first section of the eighteenth article of said Constitution, relative to revenue and taxation"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass without further amendment.

GRANGER, Chairman.

## MINORITY REPORT.

**MR. SPEAKER:** The undersigned, minority of the Committee on Constitutional Amendments, would respectfully recommend that Assembly Bill No. 28—Entitled "Amendment to section four, of article thirteen, of the Constitution," etc., do pass, with the following amendment: Strike out all after the word "thereof," in line thirty-four, page two, of the (amended) printed bill, down to and including the word "assessment," in line thirty-seven, page three.

CAMPBELL,  
NICOL,

Minority of the Committee.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation on railroads.

Passed on file.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wallace: Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

Referred to Committee on Ways and Means.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the method of collection thereof.

Substitute recommended by committee read and adopted.

Read second time.

Mr. Wharton moved to amend section three, by striking out from line twenty-five, of section three, the word "taxes," and insert in lieu thereof the word "tax."

Adopted.

Mr. Wharton moved to amend section three, as follows: Strike out of line fourteen the word "taxes," and insert in lieu thereof the word "tax."

Adopted.

Mr. Wharton moved to amend section four, by striking out the word "deemed," in line six, section four.

Adopted.

Mr. Parker moved to amend, on page three, by striking out after line twenty-six, the words "section four."

Adopted.

Mr. Farley moved to amend, by striking out "5," and insert in lieu thereof the figure "4."

Adopted.

Mr. McClaskey moved to recommit the bill to a special committee, with instructions to have the bill amended so as to provide means for service of process upon the State, and for obtaining the money from the State in case of judgment against the State.

Lost.

Mr. Farley moved to amend, by striking out section five.

Adopted.

Mr. Cutter moved to refer Assembly Bill No. 1 to the Committee on Ways and Means, and that it be considered in connection with Assembly Bill No. 35, now pending before said committee.

The ayes and noes being demanded, by Messrs. Johnston, McClaskey, and Yell, the roll was called, and the motion to refer was carried by the following vote:

AYES—Messrs. Barnes, Beard, Bowers, Breckinridge, Brown, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Faw, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Hunter, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, Nicol, O'Connor, Plover, Rawle, Rhiel, Sinon, Stewart, Storke, Townsend, Wallace, Walrath, Wheelan, and Yell—46.

NOES—Messrs. Bayley, Booth, Briceland, Campbell, Carter, Culver, Farley, Field, Granger, Heath, Hershey, McKinley, Murdock, Parker, Peterson, Reeves, Ryan, Weaver, Wharton, Wheat, and Mr. Speaker—21.

## PROTEST.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1884.

For the purpose of calling the attention of the House to the constitutional method of amending the Constitution of the State, the undersigned respectfully protests against the action of the House in treating as bills proposed amendments to the Constitution, presented to the House at this session, instead of proceeding as prescribed by section one, article eighteen, of the Constitution.

MONTAGUE R. LEVERSON.

Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Transportation.

Mr. Brown moved to make the consideration of Assembly Concurrent Resolution No. 4 a special order for Friday, at two o'clock P. M.

Mr. Sinon moved to amend, by temporarily passing the consideration of the resolution on file.

Adopted.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. La Rue: Assembly Concurrent Resolution No. 10—Relative to the establishment of experimental stations.

Mr. Nicol moved to refer to a special committee of three.

So ordered.

The Speaker appointed Messrs. Nicol, La Rue, and Murdock, as the members of said committee.

#### SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

On motion of Mr. Booth, the bill was passed on file.

#### ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Cutter, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, April 9, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

The Chaplain being absent, prayer was omitted.

#### READING AND APPROVAL OF THE JOURNAL.

Mr. Cutter moved to dispense with the reading of the Journal.

So ordered.

Journal of Tuesday approved.

Journal of Monday approved.

## THIRD READING OF BILLS.

Assembly Bill No. 26—An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," concerning the collection of property taxes.

Passed temporarily on file.

Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes.

Passed temporarily on file.

## SECOND READING OF BILLS.

Assembly Bill No. 13—An Act to propose an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor.

Refused second reading.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Majority and minority reports of Committee on Constitutional Amendments read.

Mr. Campbell moved to adopt the amendment offered in minority report of committee.

Pending the discussion, Mr. Johnston, at ten o'clock and fifty minutes, moved to take a recess until two o'clock P. M.

Withdrawn temporarily.

## LEAVE OF ABSENCE.

Mr. Hollister was granted leave of absence until Friday next.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

## COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 39—"An Act to repeal sections three thousand eight hundred and ninety-nine and three thousand nine hundred of the Political Code of the State of California, in relation to the collection of delinquent taxes by suit"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

## COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed: Assembly Bill No. 26—Entitled "An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the collection of property taxes."

Also, Assembly Bill No. 29—Entitled "An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes."

CALLAGHAN, Chairman.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Campbell (on behalf of Committee on Ways and Means): Assembly Bill No. 42—An Act prescribing the method of the valua-

tion and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

# RECESS.

Mr. Johnston renewed his motion to take a recess.

Adopted.

At ten o'clock and fifty-five minutes A. M., the House took a recess until two o'clock P. M.

# REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

# SECOND READING OF BILLS.

# CONSIDERATION OF ASSEMBLY BILL NO. 28—(RESUMED).

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

The question being upon Mr. Campbell's motion to adopt the amendment offered in the minority report of the committee.

Mr. Granger moved a call of the House.

Lost.

The question recurring on the adoption of the amendment, the ayes and noes being demanded by Messrs. Matthews, Wallace, and Yell, the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Brown, Campbell, Carter, Cary, Coleman, Cutter, Farley, Faw, Fortna, Harvey, Heath, Irwin, Johnston, Keeler, Levenson, Lewison, McKinley, Murdock, Nicol, Parker, Plover, Reeves, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, Wheelan, and Mr. Speaker—33.

NOES—Messrs. Barry, Beard, Bibb, Bowers, Breckinridge, Briceland, Callaghan, Clark, Coombs, Crumpton, Doty, Field, Fleming, Flynn, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Peterson, Rawle, Rhiei, Sinon, Stephens, Townsend, Wallace, Wheat, and Yell—39.

Mr. Cutter moved to amend, by adding to the section this sentence: "The assessment of any mortgage, deed of trust, contract, or other obligation, by which a debt is secured, shall not be increased beyond the amount of unpaid principal thereon at the time of such assessment, by any Board of Equalization, whether county or State."

The ayes and noes being demanded by Messrs. Cutter, Johnston, and Walrath, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Brown, Cary, Clark, Cutter, Hamilton, Harvey, Hershey, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, McKinley, Murdock, Nicol, Parker, Reeves, Stewart, Sweetland, Terry, Townsend, and Walrath—24.

NOES—Messrs. Barry, Beard, Bibb, Booth, Breckinridge, Briceland, Callaghan, Campbell, Carter, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Heath, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Peterson, Plover, Rawle, Rhiei, Sinon, Stephens, Storke, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—47.

Mr. Cutter offered the following as a substitute for the whole section:

Section 4. Mortgages, deeds of trust, contracts, and other obligations by which a debt is secured, shall be exempt from taxation.

Mr. Coleman moved to recommit the bill to Committee on Constitutional Amendments, to consider the amendment.

Lost.

The question being upon the amendment of Mr. Cutter, the ayes and noes being demanded by Messrs. Fleming, Wallace, and Murphy, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Cary, Cutter, Fleming, Levenson, Lewison, and Walrath—9.

NOES—Messrs. Barry, Bayley, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Flynn, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—61.

Bill read second time.

The question being, shall the bill be ordered engrossed and to third reading, the ayes and noes being demanded by Messrs. Terry, Matthews, and Clark, the roll was called, and the bill ordered engrossed and to third reading by the following vote:

AYES—Messrs. Barry, Bayley, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhie, Sinon, Stephens, Stewart, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—48.

NOES—Messrs. Booth, Brown, Carter, Cary, Coleman, Culver, Cutter, Harvey, Irwin, Johnston, Keeler, Levenson, Lewison, McKinley, Murdock, Nicol, Reeves, Storke, Sweetland, Terry, and Walrath—21.

### THIRD READING OF BILLS.

Assembly Bill No. 26—An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the collection of property taxes.

Read third time.

Mr. Irwin moved to recommit the bill to the Committee on Ways and Means, with instructions to amend section one by striking out the words "including the Recorder's fee for filing certificate of sale."

Lost.

The question being on the passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Bayley, Beard, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Johnston, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Yell, and Mr. Speaker—64.

NOES—Mr. Irwin—1.

Title approved.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Stephens: Assembly Concurrent Resolution No. 11—Relative to the removal of G. J. Carpenter and W. P. Humphreys, for dereliction of duty as Railroad Commissioners.

Referred to Committee on Corporations.

Mr. Levenson moved that the Committee on Corporations be instructed to report forthwith to this House Assembly Concurrent Resolution No. 2.

Mr. Granger moved to amend by directing the committee to report at their earliest convenience.

Mr. Levenson accepted the amendment.

The House then adopted the motion as amended.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1884.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred the accompanying resolution, being a claim of twenty-five dollars, for repairing locks on the desks and drawers in this chamber, and in the office of the Sergeant-at-Arms, and for stamps and stationery for the use of said office, to be paid out of the Contingent Fund of the Assembly, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

L. C. GRANGER,  
THOMAS E. HEALY,  
J. H. G. WEAVER,  
L. H. BROWN,  
Committee.

\*Adopted.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes.

On motion of Mr. Matthews, Assembly Bill No. 29 was passed on the file.

## REPORT OF A SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1884.

MR. SPEAKER: Your special committee, to whom was referred Assembly Concurrent Resolution No. 10—Relative to the establishment of experimental stations in connection with agricultural colleges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NICOL, Chairman.

Adopted.

## PETITION.

By Mr. Brown: A memorial from merchants and ship-owners of San Francisco, in relation to taxing the shipping interests of the State.

Referred to Committee on Ways and Means.

## ADJOURNMENT.

At four o'clock P. M., on motion of Mr. Brown, the House adjourned.



## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, April 10, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names :

Messrs. Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

On motion of Mr. Reeves, the reading of the Journal of Wednesday was dispensed with.

## THIRD READING OF BILL.

Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes.

Ordered read third time.

Read third time.

## CALL OF THE HOUSE.

Mr. Yell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names :

Messrs. Barnes, Barry, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, Yell, and Mr. Speaker.

Mr. Yell moved that further proceedings under the call of the House be dispensed with.

Adopted.

The question then being on the passage of the bill, the roll was called, and the bill passed by the following vote :

AYES—Messrs. Barnes, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Hershey, Hunter, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Rhie, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—45.

NOES—Messrs. Barry, Booth, Bowers, Brown, Caminetti, Carter, Cary, Coleman, Culver, Cutter, Faw, Field, Flynn, Harvey, Heath, Irwin, Johnston, Keeler, Lewison, McKinley, Murdock, Nicol, Reeves, Ryan, Stewart, Sweetland, Walrath, and Weaver—28.

Title approved.

#### REPORT OF STANDING COMMITTEE.

##### COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed: Assembly Bill No. 28—Entitled "An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages."

CALLAGHAN, Chairman.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Mr. Sweetland, the House took a recess until two o'clock P. M.

##### REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

##### SPECIAL ORDER.

Special order for this hour:

Assembly Concurrent Resolution No. 7—Relative to declaring forfeited to the State the charters and franchises of the Southern and Central Pacific Railroads.

Mr. Crumpton moved to lay Assembly Concurrent Resolution No. 7 on the table.

The motion was withdrawn temporarily.

Mr. Crumpton renewed his motion to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Brown, McClaskey, and Wharton, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Barnes, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McHale, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, and Mr. Speaker—54.

NOES—Messrs. Bayley, Booth, Brown, Culver, Cutter, Flynn, Fortna, Harvey, Lewison, McClaskey, McDonald, McKinley, O'Connor, Reeves, Ryan, Terry, Wharton, and Yell—18.

##### THIRD READING OF BILL.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

On motion of Mr. Wallace, the bill was passed on file.

At four o'clock and twenty minutes, Mr. Brown moved that the House do adjourn.

Lost.

##### LEAVE OF ABSENCE.

Mr. Rawle was granted leave of absence until Monday.

## SECOND READING OF BILLS.

Assembly Bill No. 11—An Act to amend the laws relating to revenue.

On motion of Mr. Terry, the bill was passed on file.

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation on railroads.

Ordered read second time.

Read second time.

Substitute recommended by committee read and adopted.

Mr. Cutter moved to amend subdivision three, so as to read:

3. On all railroads, or systems of railroads, including leased lines, having a gross annual income from all lines operated by them in this State, of three thousand dollars and less than four thousand dollars per mile, a rate of six cents per mile for first-class fares.

Adopted.

Also, to add another subdivision, to be known as subdivision four, reading:

4. On all other railroads, or systems of railroads, including leased lines, a rate of ten cents per mile for first-class fares.

Adopted.

Mr. Lewison moved to amend subdivision one, line fourteen, by striking out the word "a" and inserting therefor the words "an average"—making it read, "an average rate."

Lost.

Mr. Barry moved to amend line twenty-five, by transposing the words "annual gross," so that it will read "gross annual."

Adopted.

The bill was ordered engrossed, printed, and to third reading.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Campbell (on behalf of the Committee on Ways and Means):  
Assembly Bill No. 43—An Act relating to revenue and taxation, and the method of the collection thereof.

Ordered printed and placed on file.

## ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Healy, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, April 11, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsent, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Matthews, further reading was dispensed with.

Journal of Thursday approved.

Journal of Wednesday approved.

#### REPORT OF STANDING COMMITTEE.

##### COMMITTEE ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the substitute for Assembly Bill No. 37—Entitled "An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section, twenty-five, in relation to the establishment of maximum rates for passenger transportation on railroads"—has been correctly engrossed.

CALLAGHAN, Chairman.

#### REPORT OF A SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1884.

MR. SPEAKER: Your special committee to whom was referred the petition of Maxwell H. Morgan and William H. Gaghan, on behalf of themselves and others, and the accompanying affidavit, have had the same under consideration, and now beg leave to report:

1. That John S. Enos was appointed Commissioner of the Bureau of Labor Statistics, and J. J. Callaghan, S. Hall, S. C. Bowers, and W. J. Sinon, were appointed to positions under the Board of Harbor Commissioners.

2. That the charges of corrupt bargaining made in said petition and affidavit against Governor George Stoneman, John S. Enos, J. J. Callaghan, S. Hall, S. C. Bowers, W. J. Sinon, M. J. Kelly, J. V. Coleman, John H. Wise, and William Irwin, are without any foundation whatever.

FARLEY, Chairman.

Adopted.

#### THIRD READING OF BILLS.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Wallace moved that Assembly Bill No. 28 be passed on file.

Mr. Coleman moved to amend, by making the consideration of the bill a special order for Tuesday, at two o'clock P. M.

Adopted.

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation on railroads.

Ordered read a third time.

Mr. Sinon moved that the consideration of Assembly Bill No. 37 be made a special order for Monday, at two o'clock.

Mr. Storke moved to amend, by passing the consideration of the bill temporarily on file.

So ordered.

#### REPORT OF STANDING COMMITTEE.

##### COMMITTEE ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1884.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 9—Relative to the location of the eastern boundary line of the State of California—and now report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

Assembly Concurrent Resolution No. 9—Relative to the location of the eastern boundary line of the State of California.

Read and adopted.

#### SECOND READING OF BILLS.

Assembly Bill No. 11—An Act to amend the laws relating to revenue.

The question being, shall the bill be read a second time, the ayes and noes being demanded by Messrs. Levenson, Terry, and Yell, the roll was called, and the House refused the bill a second reading by the following vote:

AYES—Messrs. Breckinridge, Callaghan, Caminetti, Carter, Cary, Culver, Cutter, Granger, Hamilton, Harvey, Head, Healy, Hershey, Hollister, Hunter, Johnston, Levenson, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Ryan, Stewart, Sweetland, Weaver, and Wheelan—29.

NOES—Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Briceland, Brown, Campbell, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Heath, Irwin, Keeler, Kerrick, Lewison, Martin, Murphy, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Wheat, Yell, and Mr. Speaker—45.

Mr. Terry gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused to read Assembly Bill No. 11 a second time.

#### THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation on railroads.

Read a third time.

#### CALL OF THE HOUSE.

Mr. Yell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter,

Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the final passage of Assembly Bill No. 37, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—72.

NOES—Messrs. Caminetti, Keeler, and Lewison—3.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 18—Relating to freights and fares on railroads, and proposing thereunto an amendment to section twenty-two, of article twelve, of the Constitution—a bill of real merit and importance—have had the same under consideration, and respectfully report the same back, and recommend that the bill be referred to the Committee on Corporations, as having the subject-matter of this bill particularly under their examination.

GRANGER, Chairman.

Adopted.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Barry:

*Resolved*, That the Committee on Engrossment be and it is hereby authorized to employ a clerk, at the per diem provided by law, payable out of the Contingent Fund of the Assembly.

Adopted.

#### FIRST READING OF BILLS.

Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Transportation.

Mr. Granger moved to amend, by inserting the word "marine" before the word "transportation," in line four.

Adopted.

Mr. Cutter moved to strike out the preamble from the resolution.

Lost.

The question being on the adoption of Assembly Concurrent Resolution No. 4, the ayes and noes being demanded by Messrs. Wharton, Murphy, and Hollister, the roll was called, and the House refused to adopt the resolution by the following vote:

AYES—Messrs. Barnes, Bayley, Beard, Booth, Briceland, Caminetti, Carter, Cary, Doty, Farley, Faw, Harvey, Heath, Hershey, Hollister, Keeler, McClaskey, McKinley, Murphy, Parker, Reeves, Rhiei, Ryan, Sinon, Storke, Terry, Townsend, Wharton, and Wheelan—29.

NOES—Messrs. Barry, Bibb, Bowers, Breckinridge, Brown, Campbell, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Hunter, Irwin, Johnston, Kerrick, Levenson, Martin, Matthews, McDonald, McHale, Murdock, Nicol, O'Connor, Peterson, Plover, Stephens, Stewart, Sweetland, Wallace, Walrath, Weaver, Wheat, Yell, and Mr. Speaker—44.

Mr. Granger gave notice that, on to-morrow, he would move to reconsider the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 4.

Mr. Brown moved to suspend the rules to reconsider the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 4.

The ayes and noes being demanded by Messrs. Farley, Townsend, and Rhiel, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Barry, Bayley, Beard, Bibb, Bowers, Breckinridge, Briceland, Brown, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutter, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Head, Hunter, Johnston, Kerrick, Martin, Matthews, and Nicol—29.

NOES—Messrs. Booth, Caminetti, Cary, Culver, Doty, Farley, Faw, Field, Granger, Harvey, Heath, Hershey, Hollister, Irwin, Keeler, Levenson, Lewison, McClaskey, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—43.

Assembly Bill No. 39—An Act to repeal sections three thousand eight hundred and ninety-nine and three thousand nine hundred of the Political Code of the State of California, in relation to the collection of delinquent taxes by suit.

Ordered read first time.

Read first time.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

Ordered read first time.

Read first time.

Mr. Cutter moved that when the House do adjourn to-day, that it do adjourn until Monday, at two o'clock p. m.

Mr. Murphy moved to amend, by making it ten o'clock.

Mr. Cutter accepted the amendment.

Lost.

Mr. Coleman moved that when the House adjourns, it adjourns until two o'clock p. m., Monday.

The ayes and noes being demanded by Messrs. Clark, Healy, and Bibb, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Bibb, Booth, Bowers, Breckinridge, Brown, Callaghan, Caminetti, Cary, Coleman, Coombs, Culver, Cutter, Faw, Fleming, Flynn, Fortna, Gaussail, Hall, Harvey, Healy, Hollister, Johnston, Keeler, Kerrick, Lewison, McClaskey, McDonald, McKinley, Murdock, Nicol, O'Connor, Plover, Sinon, Stewart, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—43.

NOES—Messrs. Bayley, Beard, Briceland, Campbell, Carter, Clark, Crumpton, Doty, Farley, Field, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Levenson, Martin, Matthews, McHale, Murphy, Parker, Peterson, Rawle, Rhiel, Reeves, Stephens, Wallace, Wheat, and Yell—31.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 36—Entitled "An Act adding a section to an Act to establish a Political Code, approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, limiting the rate of taxation in the various counties and cities and counties of this State"—have had the same under consideration, and respectfully report the same back, with a substitute thereto, and recommend the passage of the substitute.

CAMPBELL, Chairman.

## LEAVE OF ABSENCE.

Messrs. Coleman and Fortna were granted leave of absence until Monday, at two o'clock.

At twelve o'clock and ten minutes, Mr. Matthews moved that the House take a recess.

Lost.

Mr. Sweetland moved to adjourn until Monday, at two o'clock.

Mr. Cutter moved to amend by making it ten o'clock.

Adopted.

## ADJOURNMENT.

At twelve o'clock and twenty minutes, the House adjourned until Monday next, at ten o'clock.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, April 14, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names :

Messrs. Atwell, Barry, Bayley, Beard, Briceland, Caminetti, Campbell, Carter, Clark, Crumpton, Cutter, Doty, Farley, Granger, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, Parker, Peterson, Rawle, Reeves, Rhinel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Messrs. Barnes, Bibb, Breckinridge, Healy, Field, Johnston, and Coombs, were granted leave of absence for the day, Mr. Walrath, until this afternoon, and Mr. Lewison until Thursday.

## READING AND APPROVAL OF THE JOURNAL.

Mr. Murphy moved that the reading of the Journal of Friday be temporarily passed.

So ordered.

## REPORTS OF COMMITTEES.

## COMMITTEE ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 41—Entitled "An Act to provide for funding the indebtedness of counties in certain cases"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.



## COMMITTEE ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1884.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 21—"An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and twenty-nine, relative to the commencement of actions for the purpose of restraining the assessment and collection of taxes, and questioning the validity or legality of any tax"—have had the same under consideration, and now report the same back, and recommend that it be referred to the Committee on Ways and Means.

TERRY, Chairman.

Adopted.

## INTRODUCTION OF BILLS.

By Mr. Irwin: Assembly Bill No. 44—An Act to amend section three thousand seven hundred and seventy-three of the Political Code, relating to the sale of property for delinquent taxes.

Referred to Committee on Ways and Means.

By Mr. Wharton: Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Referred to the Judiciary Committee.

## CONCURRENT RESOLUTION.

By Mr. Campbell: Assembly Concurrent Resolution No. 12—Relative to the removal of certain cases from State Courts to inferior Federal Courts for trial therein, as prescribed by the Act of Congress of March 3, 1875.

Referred to Committee on Federal Relations.

## RESOLUTIONS.

By Mr. Keeler:

*Resolved*, That it is the sense of this House, that in justice to all members, and to preserve a proper order of business, committees should report back bills to the House in the order in which they have been referred to them.

Consideration of the resolution temporarily postponed.

By Mr. Murphy:

WHEREAS, The Hon. Montague R. Levenson, on the eighth day of March, 1884, saw fit to write and did write and send to the Rev. C. H. Ware, the Chaplain of this House, and did cause the same to be published in the Daily Evening Star, on the twenty-first day of March, 1884, a letter, which letter and publication is hereunto attached and made part of this resolution; therefore, be it

*Resolved*, That a committee of five be appointed by the Chair to investigate and determine what action ought to be taken by this House with reference thereto.

Mr. Atwell moved that the consideration of the resolution be referred to a select committee.

Mr. Murphy moved that the letter be printed in the Appendix.

So ordered.

Mr. Crumpton moved that further consideration of the resolution be postponed.

Lost.

The resolution was then adopted.

## LEAVE OF ABSENCE.

Mr. Johnston was granted an indefinite leave of absence.

## READING AND APPROVAL OF THE JOURNAL.

The Journal of Friday was read and approved.

Mr. Cutter moved that the second reading of bills be passed temporarily, and that the first reading of bills be taken up.

So ordered.

## FIRST READING OF BILLS.

Assembly Bill No. 43—An Act relating to revenue and taxation, and the method of the collection thereof. (Introduced on behalf of the Committee on Ways and Means.)

Ordered read first time.

Read first time.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, limiting the rate of taxation in the various counties and cities and counties of this State.

Ordered read first time.

Substitute recommended by committee read and adopted.

Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Transportation.

Mr. Granger, pursuant to notice, moved to reconsider the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 4.

Mr. Wharton moved that the consideration of the motion to reconsider be temporarily postponed.

So ordered.

## RESOLUTION—(OUT OF ORDER).

By Mr. Crumpton :

*Resolved*, That the following additional inquiries, in reference to the so called tax suits, be submitted to the Judiciary Committee of the House, to be reported upon at the same time as the other inquiries pending before said committee :

Whether the conduct and management of the said suits, on the part of the Attorney-General, have been such as to best enforce and guard the rights of the State and the various counties to the full amount of tax, penalty, interest, and costs; and whether, at any stage of said suits, he has countenanced the claim of the railroads to be released from all liability beyond the face of the said tax?

Whether the present condition of said suits is such as to best insure a full hearing of the legal questions involved in said suits in the Supreme Court of the United States on writ of error; and if not, what further steps should be taken by the Attorney-General to bring about such hearing?

Whether the status and condition of said suits have been in anywise altered by the Attorney-General from the date that stipulations for judgment were first entered into between the Attorney-General and the counsel for the railroad; and if so, when, and in what regard?

## CALL OF THE HOUSE.

Mr. Terry moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barry, Bayley, Beard, Briceland, Brown, Caminetti, Campbell, Carter, Clark, Crumpton, Cutter, Doty, Farley, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, Parker, Peterson, Rawle, Reeves, Rhie, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Crumpton moved that further proceedings under call of the House be dispensed with.

So ordered.

The resolution was then adopted.

#### FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

Ordered read first time.

Read first time.

#### RECESS.

At eleven o'clock and ten minutes A. M., on motion of Mr. Cutter, the House took a recess until two o'clock P. M.

#### REASSEMBLED.

House reassembled.

Speaker La Rue in the chair.

Quorum present.

#### SPECIAL COMMITTEE.

The Speaker appointed Messrs. Murphy, Atwell, Doty, Reeves, and Parker, as a special committee, to investigate certain charges made against Mr. Levenson, relative to breach of privileges of the House.

Mr. Doty asked to be excused from serving on the committee.

There being no objection, the request was granted.

The Speaker then appointed Mr. Crumpton to serve on said committee, to fill the vacancy occasioned by the resignation of Mr. Doty.

#### SECOND READING OF BILLS.

Assembly Bill No. 39—An Act to repeal sections three thousand eight hundred and ninety-nine and three thousand nine hundred of the Political Code of the State of California, in relation to the collection of delinquent taxes by suit.

Ordered read second time.

Read second time.

Mr. Storke moved that the bill be recommitted to the Committee on Ways and Means.

So ordered.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

Ordered read second time.

Read second time.

Mr. Wallace moved to amend section two, line seven, as follows: After the word "Board," insert "within twenty days after the passage

of this Act and." Also, on same line, after the word "year," insert "hereafter."

Adopted.

Mr. Irwin moved that further consideration of Assembly Bill No. 42 be made a special order for Wednesday next, at ten o'clock.

Lost.

Mr. Caminetti moved to amend, by adding after the word "district," in line forty-eight, page two, the word "road."

Lost.

Mr. Yell moved to reconsider the vote whereby the House rejected the amendment of Mr. Caminetti.

So ordered.

The amendment was then adopted.

Mr. Parker moved to amend, by inserting after the word "district," line sixty, page three, the word "road."

Adopted.

Mr. Booth moved to amend section three, by striking out the words "or are issuable thereunder," in line six, page three. Also, in line eight, the words "are issuable."

The ayes and noes being demanded by Messrs. Irwin, Wallace, and Yell, the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barnes, Booth, Bowers, Brown, Caminetti, Carter, Culver, Cutter, Harvey, Irwin, Keeler, Levenson, McKinley, Murdock, Reeves, Ryan, Stewart, Sweetland, and Walrath—19.

NOES—Messrs. Barry, Bayley, Beard, Breckinridge, Briceland, Callaghan, Campbell, Cary, Clark, Coleman, Crumpton, Doty, Farley, Faw, Flynn, Fortna, Gaussail, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Storke, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—47.

Mr. Clark moved to revert to section two, and amend the same by striking out the word "district," in line forty-eight. Also, in line sixty, strike out the word "district."

Adopted.

The bill was ordered engrossed, printed, and to third reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Sweetland:

*Resolved*, That the State Controller be instructed to draw his warrant for sixteen dollars in favor of J. H. Williams, for four days' services as Porter of the committee rooms of the Assembly.

Referred to Committee on Attachés and Employés.

#### REPORT OF COMMITTEE—(OUT OF-ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bills No. 2, introduced by Mr. Cutter; No. 5, introduced by Mr. Levenson; No. 14, introduced by Mr. Campbell; No. 16, introduced by Mr. Murdock; No. 18, introduced by Mr. Keeler; No. 23, introduced by Mr. Granger; and No. 34, introduced by Mr. Terry—to amend section twenty-two, of article twelve, of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, with a substitute, and recommend that the substitute do pass.

GRANGER, Chairman.

Mr. Terry moved, pursuant to notice, to reconsider the vote whereby the House refused to read Assembly Bill No. 11 a second time.

Lost.

Mr. Granger, pursuant to notice, moved to reconsider the vote whereby the House refused to adopt Assembly Concurrent Resolution No. 4.

So ordered.

Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Transportation.

Mr. Hollister moved that the further consideration of Assembly Concurrent Resolution No. 4 be made a special order for Wednesday, at two o'clock P. M.

So ordered.

#### ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Mr. Cutter, the House adjourned.

[*Supplement to Assembly Journal.*]

### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, April 14, 1884. }

#### RESOLUTION.

By Mr. Murphy:

WHEREAS, The Hon. Montague R. Levenson, on the eighth day of March, eighteen hundred and eighty-four, saw fit to write, and did write, and send to the Rev. C. H. Ware, the Chaplain of this House, and did cause the same to be published in the Daily Evening Star, on the twenty-first day of March, eighteen hundred and eighty-four, a letter, which letter and publication is hereunto attached and made part of this resolution; therefore, be it

*Resolved*, That a committee of five be appointed, by the Chair, to investigate and determine what action ought to be taken by this House with reference thereto.

LETTER.—HON. M. R. LEVERSON TO REV. C. H. WARE.

SAN FRANCISCO, March 8, 1884.

Rev. C. H. Ware:

REVEREND AND DEAR SIR: Permit me, respectfully, for the sake of the religion you profess, of the sect to which you belong, and your own real interest both heavenly and mundane, to appeal to you to resign the post of Chaplain to the Assembly, to which you were elected in violation both of the spirit and letter of the Constitution of this State, which all the members of the Assembly, and I presume yourself also, were sworn to maintain.

But not only should you, if you believe in the sanctity of an oath, refuse longer to be party to its violation, but surely, when the matter is presented to you in its true light, you cannot, as an honest man, continue to receive five dollars of the taxpayers' hard-earned wages for a labor on your part of five or, at most, ten minutes; in other words, at the rate of two hundred and forty dollars per day for a legal day's labor of eight hours.

Surely as minister of a religion which teaches that the decalogue was divinely bestowed, you cannot be willingly a party to the infraction of one of its most imperative and valuable commands, or be yourself the party benefited by such infraction.

It would be bad enough if your services, however really valuable, were rendered gratuitously, as a Jewish minister was willing his should be, for the violation of the Constitution would be the same, and under pretense of religion, the Assembly (and I presume yourself, also,) would be forsworn. But to receive pay for such an act, and after such a rate, taken from the wages of the toilers by land and sea, is what I feel confident you will not henceforth be guilty of.

By renouncing the post with its profits to which you were so unlawfully elected, now that your eyes must be opened to the true character of the act, you will prove the sincerity of your religious professions, and your renunciation will redound as much to the credit of yourself and your creed as persistence in the contrary course must discredit both.

Please give me, with the least possible delay, the assurance that you will adopt the course I have suggested, in which case no word or deed of mine shall ever imply that so righteous an act was prompted by any one or anything but your own sense of right; but in the unlikely event of your being unable to give me that assurance, I must reserve the right to publish this letter, in order that the supreme court of public opinion may pass judgment on the matters in question.

I am, reverend and dear sir, yours, respectfully,

MONTAGUE R. LEVERSON.

Adopted.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, April 15, 1884. }

House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

### LEAVE OF ABSENCE.

Mr. Wharton was granted leave of absence till Friday, at two o'clock P. M., and Messrs. Bibb and Fleming for the day.

### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, on motion of Mr. Sinon, further reading of the Journal was dispensed with.

Journal of Monday approved.

### THIRD READING OF BILLS.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

Mr. Wallace moved that further consideration of Assembly Bill No. 42 be referred to a special committee of one, with instructions to make the following amendments:

Amend section one, by inserting after "State," in line two, the words, "or being part of lines lying partly in and partly out of this State."

Amend section two, on line three, after the word "county," by

inserting the words "or being part of lines lying partly in and partly out of this State."

Amend section two, on line five, by inserting after the word "State," the words "or being part of lines lying partly in and partly out of this State."

Amend section four, line ten, by striking out the word "rates," and insert the word "ratio."

So ordered.

The Speaker then appointed Mr. Wallace as a special committee of one, to consider and amend Assembly Bill No. 42.

#### REPORT OF SPECIAL COMMITTEE.

The special committee then reported back Assembly Bill No. 42, with amendments.

Report of the committee concurred in.

Mr. Irwin moved to refer the bill to the Committee on Ways and Means, with instructions to make the following amendments: Strike out of section two, line twenty-five, subdivision *b*, the words "or issuable." Also, strike out of same section and subdivision, line thirty-one, the words "at its actual value," and substitute in lieu thereof the words "in proportion to its value." Also, strike out of section three, line six, page three, the words "or issuable thereunder;" and from line eight the words "or issuable." Also, from line six, section four, the words "or are issuable," and from line eight the words "or issuable."

Mr. Granger moved to amend the amendment as follows: Strike out on page three, section three, all after the words "which value," in line five, down to and including the words "or issuable," in line eight.

Lost.

The question then recurring on the amendment offered by Mr. Irwin, the ayes and noes being demanded by Messrs. Storke, Cutter, and Irwin, the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barnes, Beard, Booth, Brown, Caminetti, Carter, Cary, Coleman, Crumpton, Culver, Cutter, Farley, Faw, Granger, Hamilton, Harvey, Heath, Hollister, Irwin, Keeler, Leverson, McKinley, Murdock, Peterson, Reeves, Ryan, Stewart, Storke, Walrath, and Wheelan—30.

NOES—Messrs. Atwell, Barry, Bayley, Bowers, Breckinridge, Briceland, Campbell, Clark, Doty, Field, Flynn, Fortna, Gaussail, Hall, Head, Hershey, Hunter, Kerriek, Martin, Matthews, McClaskey, McHale, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhiel, Sinon, Stephens, Terry, Townsend, Wallace, Weaver, Wheat, Yell, and Mr. Speaker—38.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

Ordered read third time.

Read third time.

Mr. Campbell moved that further consideration of Assembly Bill No. 42 be temporarily postponed.

So ordered.

#### SECOND READING OF BILLS.

Assembly Bill No. 43—An Act relating to revenue and taxation, and the method of the collection thereof.

Ordered read second time.

Read second time.

Mr. Irwin moved to amend section two, line ten: after the word "sale," insert "and fifty cents for the Recorder for filing the same and making the entries required by section three thousand seven hundred and eighty-three."

Adopted.

Mr. Nicol moved to amend, by inserting after the word "sold," in line twenty-five, page three, the words "to the State."

Adopted.

Mr. Irwin moved to amend section two, by striking out all after the word "law," in line thirty-six.

Lost.

Mr. Granger moved to amend, by adding to section two, line thirty-eight, the words "which rents and profits, upon redemption, shall be deducted from the whole amount of tax, costs, penalties, and interest due the State at the date of said redemption."

The question being upon the adoption of the motion to amend, the ayes and noes being demanded by Messrs. Granger, Coleman, and McClaskey, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Barnes, Barry, Bayley, Beard, Booth, Brown, Caminetti, Cary, Clark, Coleman, Culver, Cutter, Doty, Faw, Fortna, Granger, Hamilton, Harvey, Hollister, Matthews, McClaskey, McHale, Murdock, Nicol, O'Connor, Peterson, Rawle, Reeves, Ryan, Stephens, Stewart, Storke, Sweetland, Walrath, Wheelan, and Yell—36.

NOES—Messrs. Atwell, Breckinridge, Briceland, Campbell, Farley, Field, Gaussail, Hall, Head, Heath, Hershey, Hunter, Irwin, Kerrick, Martin, Murphy, Parker, Plover, Rhiei, Terry, Townsend, Wallace, Wheat, and Mr. Speaker—24.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, April 15, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 10—Relative to the establishment of experimental stations in connection with agricultural colleges.

R. O. CRAVENS, Assistant Secretary.

#### RECESS.

At twelve o'clock M., on motion of Mr. Storke, the House took a recess till two o'clock P. M.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

Mr. Campbell moved that Assembly Bill No. 43 be recommitted to the Committee on Ways and Means.

So ordered.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1884.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 12—Relative to the removal of causes pending in the Courts of the State of California to the Federal Courts of the United States—and now beg leave to report the same back, and recommend that it do pass.

McCLASKEY, Chairman.



## SPECIAL ORDER.

The special order for this hour:

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Wallace moved that the further consideration of Assembly Bill No. 28 be passed on file.

So ordered.

## SECOND READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, limiting the rate of taxation in the various counties and cities and counties of this State.

Mr. Campbell moved that the consideration of Assembly Bill No. 36 be passed on file.

So ordered.

Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

Ordered read second time.

Read second time.

Ordered engrossed, printed, and to third reading.

## FIRST READING OF BILLS.

Assembly Bill No. 46—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution of the State, relating to Railroad Commissioners. (Introduced on behalf of the Committee on Constitutional Amendments as a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34.)

Ordered read first time.

Read first time.

Mr. Granger asked leave to withdraw Assembly Bill No. 23 from the file.

There being no objection, the request was granted.

Mr. Murdock asked leave to withdraw Assembly Bill No. 16 from the file.

There being no objection, the request was granted.

Mr. Cutter asked leave to withdraw Assembly Bill No. 2 from the file.

There being no objection, the request was granted.

Mr. Terry asked leave to withdraw Assembly Bill No. 34 from the file.

There being no objection, the request was granted.

Mr. Keeler asked leave to withdraw Assembly Bill No. 18 from the file.

There being no objection, the request was granted.

Mr. Campbell moved that Assembly Bill No. 14 be passed on file.

So ordered.

Assembly Concurrent Resolution No. 12—Relative to the removal of certain cases from State Courts to inferior Federal Courts for trial therein, as prescribed by the Act of Congress of March 3, 1875.

Mr. Atwell moved that Assembly Concurrent Resolution No. 12 be adopted.

The question being on the adoption of Assembly Concurrent Resolution No. 12, the ayes and noes being demanded by Messrs. Campbell, Atwell, and Rhiel, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—68.

NOES—None.

Mr. Keeler moved that the consideration of the following resolution be taken up:

*Resolved*, That it is the sense of this House that in justice to all members, and to preserve a proper order of business, committees should report back bills to the House in the order in which they have been referred to them.

So ordered.

Mr. Keeler moved that the resolution be adopted.

Lost.

#### ADJOURNMENT.

At two o'clock and fifty-five minutes P. M., on motion of Mr. Hollister, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, April 16, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### LEAVE OF ABSENCE.

Mr. Crumpton was granted leave of absence for two days.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Carter, further reading was dispensed with.  
Journal of Tuesday approved.

## REPORTS OF COMMITTEES.

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1884.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution by Mr. Barry—Relative to the pay of E. A. Girvin for services rendered to the Committee on Corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, a resolution by Mr. Cutter—Relative to the appointment of Morris Seifert as an additional Watchman, vice J. S. O'Brien—report the same back, and recommend that it do not pass.

CLARK, Chairman.

Adopted.

## ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1884.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 6—Relative to the call of a convention for proposing amendments to the Constitution of the United States, under article five of said Constitution—and now report the same back, and recommend that it do not pass.

McCLASKEY, Chairman.

## ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1884.

MR. SPEAKER: Your Committee on Enrollment, to whom was referred Assembly Concurrent Resolution No. 10—"Relative to the establishment of experimental stations in connection with agricultural colleges"—beg leave to report that they have examined the same, and found it to be correctly enrolled, and was placed in the hands of the Governor at three o'clock and thirty minutes p. m., April 15, 1884.

SWEETLAND, Chairman.

## THIRD READING OF BILLS.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

Passed on file.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Barry (on behalf of Committee on Corporations):

Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads.

Referred to Committee on Corporations.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Wallace moved that the bill be referred to a committee of one, with instructions to amend the bill as follows: Strike out all after the word "thereof," in line thirty-four of the printed bill, down to and including the word "assessment," in line thirty-seven of the printed bill, and insert, in lieu thereof, the following: "For the purpose of assessment and taxation, the value of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall be conclusively taken to be the whole sum expressed on the face thereof as the sum to be secured thereby; in case, however, that the indebtedness secured thereby is not evidenced by negotiable bonds, then the value of such mortgage, deed of trust, contract, or other obligation, shall never, for purpose of assessment and taxation, exceed the market or cash value of the property to be affected thereby, nor the amount of principal unpaid thereon."

Mr. Sweetland moved to amend the amendment, by striking out, in line thirty-four, all after the word "thereof," down to and including the word "assessment," in line thirty-seven.

Mr. Caminetti moved that the further consideration of the amendments be postponed until the same be printed and laid upon the members' desks.

Lost.

Mr. Nicol moved that the further consideration of Assembly Bill No. 28 be made a special order for to-morrow, at two o'clock P. M.

So ordered.

Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

Passed temporarily on file.

## SECOND READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Ordered read second time.

Substitute recommended by committee for Assembly Bill No. 36 read and adopted.

Mr. Cutter moved to amend the substitute by striking out, in lines twenty-one and twenty-two, the words "provided that this section shall not apply to taxes for road or special purposes," and insert instead, the following: "provided that this section shall not apply to taxes for Interest and Sinking Funds, or for levee, road, bridge, or special purposes."

Adopted.

Mr. Flynn moved to amend, by striking out of line six the words "two dollars and fifty cents," and inserting, instead, the following: "one dollar and seventy cents."

Lost.

Mr. Brown moved to amend, by striking out of line eighteen the word "eighty," and inserting the words "one hundred."

Lost.

At twelve o'clock, Mr. Heath moved that the House take a recess.

Lost.

Mr. Flynn moved to amend, by striking out of line nine the words

"two dollars," and inserting, instead, the following: "one dollar and thirty-five cents."

Lost.

The ayes and noes being demanded by Messrs. Flynn, Barry, and Murdock, the roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Barry, Bowers, Callaghan, Coleman, Flynn, Hall, McKinley, Murdock, Murphy, O'Connor, Rhiel, Terry, Townsend, Wallace, Weaver, Wharton, and Mr. Speaker—17.

NOES—Messrs. Atwell, Barnes, Bayley, Beard, Bibb, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Cutter, Doty, Farley, Faw, Field, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McHale, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Sinon, Stephens, Stewart, Sweetland, Walrath, Wheat, and Yell—50.

Mr. Flynn moved to amend, by striking out of lines twelve and thirteen the words "one dollar and twenty-five cents," and inserting instead, the following: "eighty-three cents."

Lost.

Mr. Flynn moved to amend, by striking out of line sixteen the words "one dollar," and insert, in lieu thereof, "sixty-seven cents."

Lost.

Mr. Granger moved to amend, by inserting in line sixteen, after the word "dollar," the words "and twenty-five cents."

Lost.

Mr. McHale moved to amend, by striking out of line thirteen the words "twenty-five," and insert "seventy-five cents."

Lost.

At twelve o'clock and fifteen minutes, Mr. Murphy moved that the House do now take a recess.

Lost.

Mr. Terry moved to amend, by striking out all after the figures "3,720."

The ayes and noes being demanded by Messrs. Terry, Nicol, and Granger, the roll was called, and the House refused to adopt the amendment by the following vote:

AYES—Messrs. Barry, Beard, Booth, Bowers, Callaghan, Carter, Coleman, Culver, Flynn, Granger, Hall, Hamilton, Head, Hunter, Matthews, McHale, McKinley, Murdock, Nicol, O'Connor, Reeves, Rhiel, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, and Mr. Speaker—29.

NOES—Messrs. Atwell, Barnes, Bayley, Bibb, Briceland, Brown, Caminetti, Campbell, Cary, Clark, Coombs, Cutter, Doty, Farley, Faw, Field, Fortna, Gaussail, Harvey, Heath, Hershey, Hollister, Irwin, Keeler, Kerrick, Levenson, Martin, McClaskey, Murphy, Parker, Plover, Rawle, Ryan, Sinon, Stephens, Stewart, Sweetland, Walrath, and Yell—39.

The bill was then ordered engrossed, printed, and to third reading.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed:

Assembly Bill No. 42—Entitled "An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto."

Also, Assembly Bill No. 41—Entitled "An Act to provide for funding the indebtedness of counties in certain cases."

CALLAGHAN, Chairman.

RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Matthews, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.  
 Speaker La Rue in the chair.  
 Quorum present.

## SPECIAL ORDER.

The special order for this hour:

Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Transportation.

Mr. Caminetti moved to amend the resolution by adding thereto, in line six, "or the passage of necessary laws to carry out the spirit of this resolution if a commission should not be deemed practicable for the purpose."

Adopted.

Mr. Campbell moved to amend the amendment, by striking out all after the word "Congress," in line three, down to and including the word "into," in line four, and insert the words "to prevent discrimination and extortion in." Also, strike out the word "fix" in line five.

Lost.

Mr. Murdock moved to amend the resolution, by striking out the word "fix" in line five.

Adopted.

The question being on the adoption of Assembly Concurrent Resolution No. 4, the ayes and noes being demanded by Messrs. Hollister, Booth, and McClaskey, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Caminetti, Campbell, Carter, Cary, Coombs, Culver, Doty, Faw, Field, Fortna, Gaussail, Granger, Hall, Harvey, Head, Hershey, Hollister, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McKinley, Murdock, Murphy, Peterson, Plover, Rhel, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Wheat, Yell, and Mr. Speaker—50.

NOES—Messrs. Brown, Callaghan, Clark, Coleman, Flynn, Hamilton, Hunter, Irwin, McHale, Nicol, O'Connor, Rawle, Stewart, and Weaver—14.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

Ordered read third time.

Read third time.

The question being on the passage of Assembly Bill No. 41, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Barnes, Barry, Bayley, Beard, Booth, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Doty, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Hershey, Hunter, Irwin, Keeler, Kerrick, Leverson, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, Peterson, Plover, Rawle, Rhel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, and Yell—55.

NOES—None.

Title approved.

## INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Nicol (by request): Assembly Bill No. 48—An Act to prevent discrimination by railroad corporations, their officers, and servants.

Mr. Nicol moved to have Assembly Bill No. 48 referred to a special committee of five.

So ordered.

Mr. Caminetti moved that the Committee on Ways and Means be requested to return Assembly Bill No. 39 to the House.

So ordered.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Doty:

*Resolved*, That Frank O'Brien be and is hereby appointed Porter to the rooms of the Engraving, Enrolling, and Journal Clerks, at a per diem of three dollars, the same to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Attachés and Employés.

#### SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 46—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution of the State, relating to Railroad Commissioners. (Introduced on behalf of the Committee on Constitutional Amendments as a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34.)

Ordered read second time.

Mr. Irwin moved to amend Assembly Bill No. 46, by offering a substitute for the entire bill.

#### POINT OF ORDER.

Mr. Townsend raised the point of order, that a substitute cannot be offered for an entire bill pending the reading of said bill.

The Speaker decided the point of order not well taken.

#### AN APPEAL.

Mr. Townsend appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the House, the House sustained the Chair.

Mr. Irwin moved that the substitute be adopted and ordered printed.

Mr. Nicol moved that the whole subject-matter be referred to the Committee on Constitutional Amendments.

So ordered.

#### SPECIAL COMMITTEE.

The Speaker appointed Messrs. Nicol, Levenson, Field, Kerrick, and Bayley, as a special committee, to consider Assembly Bill No. 48.

Mr. Levenson asked leave to withdraw Assembly Bill No. 11 from the file.

There being no objection, the request was granted.

#### LEAVE OF ABSENCE.

Mr. Fleming was granted indefinite leave of absence.

#### ADJOURNMENT.

At three o'clock and five minutes, on motion of Mr. Murdock, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, April 17, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Field, Fortna, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Flynn was granted leave of absence for the morning session.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, on motion of Mr. Carter, further reading of the Journal was dispensed with.  
Journal of Wednesday approved.

## REPORTS OF COMMITTEES.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following substitute for Assembly Bill No. 36 has been correctly engrossed: Entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, by adding a new section thereto, to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State."

CALLAGHAN, Chairman.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 43—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CAMPBELL, Chairman.

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1884.

MR. SPEAKER: Your Committee on Ways and Means, in obedience to the order of this House, made on the sixteenth instant, respectfully reports to the House Assembly Bill No. 39, being an Act entitled "An Act to repeal sections three thousand eight hundred and ninety-nine and three thousand nine hundred of the Political Code."

Respectfully submitted.

CAMPBELL, Chairman.

Mr. Caminetti asked leave to withdraw Assembly Bill No. 39 from the file.

There being no objection, the request was granted.



## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Cutter: Assembly Bill No. 50—An Act to propose an amendment to section twenty-two, of article twelve, of the Constitution, relative to Railroad Commissioners.

Referred to Committee on Constitutional Amendments.

## THIRD READING OF BILLS.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto.

Mr. Campbell moved that Assembly Bill No. 42 be referred to a special committee of one, with instructions to amend.

Adopted.

The Speaker appointed Mr. Campbell, as a special committee of one, to amend Assembly Bill No. 42.

## REPORT OF SPECIAL COMMITTEE OF ONE.

MR. SPEAKER: The undersigned, special committee of one, to whom was referred Assembly Bill No. 42, with directions to insert the following:

Insert, after the word "county," in line fifty-eight, of page three, the words "municipal and district," and in same line, after the word "purposes," the words "shall be collected in the same manner and by the same officer as other State, county, municipal, and district taxes are collected, and the payment thereof shall be enforced by the same penalties and by the same means as other State and county taxes, and all laws for the collection of State and county taxes, and for the sale of property for delinquent taxes, shall be applicable to the taxes upon such railroads, franchises, roadways, roadbeds, rails, and rolling stock, and said taxes."

Also, to amend the title, so as to read as follows: "An Act relating to revenue and taxation."

Also, add the following at the bottom of page four, section six: "This Act shall take effect and be in force from and after its passage."

CAMPBELL, Special Committee.

Mr. Coleman moved to make the further consideration of Assembly Bill No. 42, and the proposed amendments thereto, a special order for to-morrow, at eleven o'clock.

Adopted.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Mr. Healy moved that Assembly Bill No. 36 be passed on file.

Mr. Barry moved to amend, by making it a special order for Monday, at two o'clock P. M.

Mr. Healy accepted the amendment.

Mr. Levenson moved to amend the amendment, by making it two o'clock and thirty minutes P. M., to-morrow.

Lost.

The question then being on the motion to make the consideration of Assembly Bill No. 36 a special order for Monday, at two o'clock, the ayes and noes being demanded by Messrs. Healy, Atwell, and Breckinridge, the roll was called, and the motion carried by the following vote:

AYES—Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Carter, Cary, Clark, Coleman, Coombs, Culver, Doty, Farley, Faw, Field,

Fortna, Granger, Hamilton, Harvey, Healy, Heath, Hunter, Irwin, Keeler, Levenson, Lewison, Martin, Matthews, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—55.

Noss—Messrs. Atwell, Caminetti, Campbell, Cutter, Head, Hershey, Kerrick, McClaskey, McHale, Peterson, Sweetland, Walrath, Weaver, and Wheelan—14.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Atwell:

*Resolved*, That the Controller is hereby directed to draw his warrant for the sum of eight dollars and twenty-five cents, in favor of B. Ruhl, for bookbinder's work, payable out of the Contingent Fund of the Assembly.

Referred to Committee on Public Expenditures and Accounts.

#### FIRST READING OF BILLS.

Assembly Bill No. 5—An Act to propose an amendment to section twenty-two, of article twelve, of the Constitution of the State, relative to the Railroad Commission.

Mr. Levenson asked leave to withdraw Assembly Bill No. 5 from the file.

There being no objection, the request was granted.

Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission.

Ordered read first time.

Read first time.

Assembly Concurrent Resolution No. 6—Relative to the call of a Convention for proposing amendments to the Constitution of the United States, under article five of said Constitution.

Resolution read.

Mr. Granger moved to amend Assembly Concurrent Resolution No. 6, by striking out all of subdivision two.

So ordered.

Also, strike out of line four, subdivision six, the word "circumstances," and insert, in lieu thereof, the words "conditions attending."

So ordered.

Mr. Murdock moved to amend the resolution, by striking out subdivision four.

So ordered.

#### POINT OF ORDER.

Mr. Murdock raised the point of order, that the subject-matter of Assembly Concurrent Resolution No. 6 did not come within the scope of the Governor's call.

The Speaker decided the point of order not well taken.

The question being on the adoption of Assembly Concurrent Resolution No. 6, it was lost.

#### SECOND READING OF BILLS.

Assembly Bill No. 43—An Act relating to revenue and taxation, and the method of the collection thereof.

The second reading of Assembly Bill No. 43 was resumed.

The Committee on Ways and Means recommended the following amendment: On page three, line thirty-six, section two, of printed bill, strike out the remainder of the section, after the word "law."

Adopted.

Mr. Terry moved to amend, by striking out of section three, line three, the words "required to be," and inserting, after the word "deed," where such word first occurs, in line four, the following: "provided, that nothing which is not required by law to be inserted in the certificate of sale need be recited in the deed."

Adopted.

Mr. Terry moved to amend section four, line twenty, by striking out the words "of the amount in controversy."

Adopted.

Mr. Granger moved to amend, by striking out of section four, line twenty-one, the words "District Attorney," and inserting, instead, the following: "Board of Supervisors."

Mr. Campbell offered the following as a substitute for the amendment: Amend, by inserting after the word "county," in line twenty-one, "or by such other attorney as may be employed by the Board of Supervisors of the county."

Mr. Granger accepted the substitute, and the same was then adopted.

Mr. Irwin moved to amend, by striking out of section four all after the word "town," in line twenty-five, to and including the word "plaintiff," in line twenty-seven.

Lost.

Mr. Coleman moved to amend, by inserting, after the word "what-ever," in line fifty-one, page five, the words "except that where it appears that the taxes on the property have been paid, the sale may be restrained by injunction."

Mr. Wallace offered the following, as a substitute: Amend, by adding, in section four, page five, line fifty-one, after the word "what-ever," the words, "except in case the same shall have been actually paid to the proper officer, as provided in section one of this Act."

Adopted.

Mr. Wallace moved to amend, by adding, after the word "forfeiture," on page seven, line ninety-five, the words, "provided, that nothing in this Act contained shall apply to proceedings had for the collection or to resist the collection of assessments imposed for local improvements."

Adopted.

Mr. McClaskey moved to amend, by striking out subdivision five of section four.

Lost.

Mr. Irwin moved to amend, by striking out of section four, line thirty, the words "going to the merits of the case and."

Lost.

Mr. Terry moved that the time for taking recess be extended ten minutes.

So ordered.

Mr. Nicol moved to amend Assembly Bill No. 43, by adding a new section thereto, as follows:

"Section 5. All Acts and parts of Acts in conflict with any of the provisions of this Act, so far as they so conflict, are hereby repealed."

Adopted.

Mr. Campbell moved to amend, by adding a new section thereto as follows:

"Section 6. This Act shall take effect and be in force from and after its passage."

Adopted.

The bill was then ordered engrossed, printed, and to third reading.

#### LEAVE OF ABSENCE.

Messrs. Booth and Hollister were granted leave of absence till Monday.

Mr. Atwell moved that the Judiciary Committee be instructed to answer certain interrogatories relative to what constitutes a breach of privilege of the House.

So ordered.

#### RECESS.

At twelve o'clock and forty minutes, on motion of Mr. Terry, the House took a recess till two o'clock P. M.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

#### LEAVE OF ABSENCE.

Mr. Terry was granted leave of absence till Monday.

#### SPECIAL ORDER.

The special order for this hour:

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

The subject under discussion being the motion made by Mr. Wallace, as follows:

Mr. Wallace moved that the bill be referred to a committee of one, with instructions to amend the bill as follows: Strike out all after the word "thereof," in line thirty-four, of the printed bill, down to and including the word "assessment," in line thirty-seven, of the printed bill, and insert, in lieu thereof, the following: "For the purpose of assessment and taxation, the value of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall be conclusively taken to be the whole sum expressed in the face thereof as the sum to be secured thereby; in case, however, that the indebtedness secured thereby is not evidenced by negotiable bonds, then the value of such mortgage, deed of trust, contract, or other obligation, shall never, for purpose of assessment and taxation, exceed the market or cash value of the property to be affected thereby, nor the amount of principal unpaid thereon."

And also, the amendment to the amendment offered by Mr. Sweetland, as follows: Strike out of line thirty-four all after the word "thereof," down to and including the word "assessment," in line thirty-seven.

The Chair ruled the amendment offered by Mr. Sweetland out of order.

CALL OF THE HOUSE.

Mr. Wallace moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

Mr. Irwin moved to amend the amendment as follows: Recommit the bill to the Committee on Constitutional Amendments, with instructions to amend, by striking out all after the word "thereof," in line thirty-four of printed bill, down to and including the word "assessment," in line thirty-seven.

CALL OF THE HOUSE.

Mr. Campbell moved that there be a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.]

Quorum present.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

The Speaker ruled that the amendment offered by Mr. Irwin, to Assembly Bill No. 28, was out of order.

Mr. Levenson moved to amend the amendment, by striking out the words "whole sum expressed in the face thereof as the sum secured thereby," and inserting the following: "amount due and unpaid upon such mortgage, deed of trust, contract, or other obligation."

Lost.

The question then being on the motion to refer Assembly Bill No. 28 to a special committee of one, the House adopted the motion.

The Chair appointed Mr. Wallace as a special committee, with instructions to amend Assembly Bill No. 28.

Mr. Wallace, to whom was referred Assembly Bill No. 28, for the purpose of amendment, as per instructions, reported the same back, amended as follows: Strike out all after the word "thereof," in line thirty-four of the printed bill, down to and including the word "assessment," in line thirty-seven of the printed bill, and insert in lieu thereof the following: "For the purpose of assessment and taxation, the value of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall be conclusively taken to be the whole sum expressed in the face thereof as the sum to be secured thereby; in case, however, that the indebtedness secured thereby is not evidenced by negotiable bonds, then the value of such mortgage, deed of trust, contract, or other obligation, shall never, for purpose of assessment and taxation, exceed the market or cash value of the property to be affected thereby, nor the amount of principal unpaid thereon."

The question being on the adoption of the report of the special committee, the ayes and noes being demanded by Messrs. Atwell, Cutter, and Yell, the roll was called, and the report adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiei, Ryan, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Yell, and Mr. Speaker—66.

NOES—Messrs. Caminetti, Levenson, Stewart, Sweetland, Walrath, and Wheelan—6.

Mr. Campbell moved that Assembly Bill No. 28 be read third time, and placed upon its final passage.

Mr. Storke moved that the further consideration of Assembly Bill No. 28 be made a special order for Tuesday, at ten o'clock A. M.

Lost.

Mr. Irwin moved that Assembly Bill No. 28 be printed before final passage.

Lost.

The question then recurring on the motion to read a third time, the House ordered the bill read a third time.

Read a third time, and placed upon its final passage.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Clark, Coombs, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Hershey, Hunter, Irwin, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McHale, Parker, Peterson, Plover, Rhiei, Sinon, Stephens, Townsend, Wallace, Wheat, and Mr. Speaker—41.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Carter, Cary, Coleman, Culver, Cutter, Harvey, Healy, Lewison, McDonald, McKinley, Murdock, Murphy, Nichol, O'Connor, Rawle, Reeves, Ryan, Stewart, Storke, Sweetland, Walrath, Weaver, Wheelan, and Yell—29.

Mr. Yell gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused to pass Assembly Bill No. 28.

Mr. Barry gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused to pass Assembly Bill No. 28.

## ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Mr. Bibb, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, April 18, 1884. }

The House met pursuant to adjournment.

Speaker pro tem. Campbell in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

Rev. Dr. Anderson officiated as Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, on motion of Mr. Carter, further reading was dispensed with.

Journal of Thursday approved.

## INTRODUCTION OF BILL.

By Mr. Keeler: Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to bribery.

Referred to Judiciary Committee.

## LEAVE OF ABSENCE.

Mr. McDonald was granted leave of absence for the day.

## THIRD READING OF BILLS.

Assembly Bill No. 43—An Act relating to revenue and taxation, and the method of the collection thereof. (Introduced on behalf of the Committee on Ways and Means.)

Passed on file.

## REPORT OF STANDING COMMITTEE.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 46, introduced by the Committee on Constitutional Amendments, and entitled "An Act to amend sections twenty-two and twenty-three, of article twelve, of the Constitution of the State, relating to Railroad Commissioners," (a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34), and Assembly Bill No. 49, introduced by Mr. Irwin, and entitled "An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution, relating to Railroad Commissioners"—have had the same under consideration, and respectfully report the same back, and recommend that Assembly Bill No. 46 do pass with the following amendments: Strike out the word "section," and change "two" to "four," in line one, page four; strike out all after the word "the," in line one, down to and including the word "its," in line two, and insert the words "of this amendment" after the word "adoption," in line two; and that Assembly Bill No. 49 do not pass.

GRANGER, Chairman.

Adopted.

## SECOND READING OF BILLS.

Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission.

Passed temporarily on file.

Speaker La Rue in the chair.

Assembly Bill No. 46—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution of the State, relating to Railroad Commissioners. (Introduced on behalf of the Committee on Constitutional Amendments as a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34.)

Mr. Irwin moved to amend section one, by striking out all after the words and figures "Section 22," line six, and insert the following:

"There shall be a State Board of Railroad Commissioners, consisting of five members. The State shall be divided into three districts, as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, and at each regular Presidential election there shall be elected by the qualified electors of the State two Railroad Commissioners, to be chosen from the State at large. The salary of said Commissioners shall be fixed by law, and their term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Upon the adoption of this amendment the Governor shall appoint the two additional Railroad Commissioners herein provided for, who shall hold their office until the election and qualification of the two Railroad Commissioners to be elected at the Presidential election, A. D. one thousand eight hundred and eighty-four. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish



the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies; to send for persons and papers; to administer oaths, take testimony, and punish for contempt of their orders and processes in the same manner and to the same extent as Courts of record, and enforce their decisions and correct abuses through the medium of the Courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé, of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the Judge or jury, recover exemplary damages. Said Commission shall report to the Governor annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each House, each House voting separately, to remove any one or more of said Commissioners from office for dereliction of duty, or corruption, or incompetency; and, whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified."

Pending the consideration of the amendment offered by Mr. Irwin to Assembly Bill No. 46, the special order set for this hour having arrived, the same was temporarily postponed, and the consideration of Assembly Bill No. 46 resumed.

Mr. Flynn moved to make the further consideration of Assembly Bill No. 46 a special order for Monday, at two o'clock P. M.

Mr. Bibb moved to amend, by making it two o'clock, Tuesday, instead of Monday.

The amendment was accepted, and the further consideration of the bill made a special order for two o'clock P. M., Tuesday.

Mr. Yell, pursuant to notice, moved to reconsider the vote whereby the House refused to pass Assembly Bill No. 28.

## A CALL OF THE HOUSE.

Mr. Yell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names :

Messrs. Atwell, Barnes, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Coleman, Coombs, Culver, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Rhiei moved that further proceedings under the call of the House be dispensed with.

So ordered.

On motion of Mr. Yell, the vote whereby the House refused to pass Assembly Bill No. 28 was reconsidered.

Mr. Yell moved to make the further consideration of Assembly Bill No. 28 a special order for two o'clock, Wednesday next.

The ayes and noes being demanded by Messrs. Sweetland, Breckinridge, and Levenson, the roll was called, and the motion adopted by the following vote :

AYES—Messrs. Atwell, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Levenson, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiei, Sinon, Stephens, Stewart, Storke, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—60.

NOES—Messrs. Barnes, Caminetti, Cutter, Harvey, Lewison, Sweetland, Walrath, and Wheelan—8.

## REPORT OF COMMITTEE.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed: Assembly Bill No. 43—Entitled "An Act relating to revenue and taxation and the method of the collection thereof."

CALLAGHAN, Chairman.

Mr. Coleman moved that when we do adjourn to-day, we adjourn to meet on Monday next, at two o'clock P. M.

So ordered.

## ADJOURNMENT.

At twelve o'clock and five minutes, on motion of Mr. Flynn, the House adjourned till Monday next, at two o'clock P. M.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, April 21, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

Roll called, and the following members answered to their names :

Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Irwin, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Messrs. Coleman, Martin, Beard, and Stewart, were granted leave of absence until to-morrow, and Mr. Murdock was granted leave of absence indefinitely.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, Mr. Reeves moved that further reading of the Journal be dispensed with.

Mr. Farley moved to amend as follows: That the Journal shall be read.

Adopted.

Pending the reading of the Journal, on motion of Mr. Wharton, further reading of the Journal was dispensed with.

Journal of Friday approved.

## PETITIONS.

By Mr. Wharton: Relative to the viticultural and horticultural interests of the State.

Referred to the Committee on Ways and Means.

By Mr. Storke: Relative to the levy of local licenses by Boards of Supervisors.

Referred to the Committee on Ways and Means.

## SPECIAL ORDER.

The special order for this hour:

The third reading of Assembly Bill No. 36—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Ordered read third time.

Read third time.

The roll was called, and the House refused to pass Assembly Bill No. 36, by the following vote:

**AYES**—Messrs. Atwell, Barnes, Bayley, Bibb, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Coombs, Crumpton, Doty, Farley, Field, Fleming, Fortna, Granger, Harvey, Head, Hollister, Irwin, Keeler, Levenson, McClaskey, Reeves, Ryan, Sweetland, Walrath, Weaver, Wheelan, and Yell—32.

**NOES**—Messrs. Barry, Booth, Callaghan, Cary, Culver, Cutter, Flynn, Gaussail, Hall, Hamilton, Heath, Hunter, Kerrick, Lewison, Matthews, McDonald, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Rhiel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Wharton, Wheat, and Mr. Speaker—35.

Mr. Cutter gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused to pass Assembly Bill No. 36.

#### SPECIAL ORDER.

The special order for this hour:

Third reading of Assembly Bill No. 42—An Act relating to revenue and taxation.

#### CALL OF THE HOUSE.

Mr. Campbell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Rhiel moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being, shall Assembly Bill No. 42 be read a third time, it was so ordered.

The bill was then read a third time.

The roll was called, and Assembly Bill No. 42 passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Irwin, Keeler, Kerrick, Levenson, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Wharton, Wheat, Yell, and Mr. Speaker—60.

**NOES**—Messrs. Sweetland and Walrath—2.

Title approved.

At four o'clock and fifteen minutes, Mr. Hollister moved that the House do now adjourn.

Lost.

## THIRD READING OF BILLS.

Assembly Bill No. 43—An Act to amend section three thousand seven hundred and seventy-one, three thousand seven hundred and seventy-three, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Ordered read third time.

Read third time.

Mr. Irwin moved that Assembly Bill No. 43 be recommitted to the Committee on Ways and Means, with instructions to amend the bill, as follows: Strike out the word "amount," in section two, line sixteen. Also, insert in line seventy-three, after the word "issue," the words "and be served on the defendant."

Lost.

## CALL OF THE HOUSE.

Mr. Wharton moved a call of the House.

So ordered.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

Lost.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Irwin, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the passage of Assembly Bill No. 43, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Irwin, Keeler, Kerrick, Leverson, Lewison, Matthews, McClaskey, McHale, McKinley, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—64.

NOES—None.

Title approved.

## ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Plover, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, April 22, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Messrs. Stewart and McDonald were granted leave of absence.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, Mr. Carter moved that further reading of the Journal be dispensed with.

Lost.

Journal of Monday read and approved.

## PÉTITIONS.

By Mr. Campbell: Relative to the viticultural and horticultural interests of the State.

Referred to the Committee on Ways and Means.

By Mr. Storke: Relative to the levy of local licenses by Boards of Supervisors.

Referred to the Committee on Ways and Means.

## REPORTS OF COMMITTEES.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed:

Assembly Bill No. 42—Entitled an Act relating to revenue and taxation.

CALLAGHAN, Chairman.

## ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1884.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 47—have had the same under consideration, and respectfully report the same back, and recommend the passage of the substitute herewith reported.

BARRY, Chairman.

Mr. Johnston moved that the substitute recommended by the Committee on Corporations for Assembly Bill No. 47 be printed.  
So ordered.

## ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1884.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred a resolution appropriating the sum of eight dollars and twenty-five cents for bookbinder's work furnished to the Assembly by B. Ruhl—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

Adopted.

## INTRODUCTION OF BILLS.

By Mr. Johnston: Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation, and the powers and duties of Assessors.

Referred to Committee on Ways and Means.

By Mr. Harvey: Assembly Bill No. 53—An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property.

Referred to Committee on Ways and Means.

Mr. Cutter moved, pursuant to notice, to reconsider the vote whereby the House refused to pass Assembly Bill No. 36.

The ayes and noes being demanded by Messrs. Atwell, McClaskey, and Murphy, the roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Atwell, Barnes, Bayley, Beard, Bibb, Bowers, Breckinridge, Briceland, Brown, Caminetti, Carter, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Fortna, Gaussail, Granger, Harvey, Head, Heath, Hollister, Irwin, Johnston, Keeler, Levenson, Lewison, McClaskey, Peterson, Sinon, Stephens, Townsend, Walrath, and Yell—38.

NOES—Messrs. Barry, Culver, Field, Flynn, Hamilton, Hunter, Kerrick, Matthews, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhie, Storke, Terry, Wallace, Weaver, Wharton, Wheat, Wheelan, and Mr. Speaker—27.

Mr. Bibb moved to make the further consideration of Assembly Bill No. 36 a special order for Friday, at 11 o'clock A. M.

The ayes and noes being demanded by Messrs. Murdock, Flynn, and Bibb, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barnes, Beard, Bibb, Briceland, Brown, Caminetti, Carter, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Fleming, Fortna, Gaussail, Granger, Harvey, Head, Heath, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, McClaskey, Peterson, Reeves, Sinon, Stephens, Terry, Townsend, Walrath, Weaver, Wheat, Wheelan, and Yell—40.

NOES—Messrs. Barry, Bayley, Booth, Bowers, Breckinridge, Callaghan, Culver, Faw, Field, Flynn, Hamilton, Hollister, Hunter, Matthews, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Rhie, Storke, Wallace, Wharton, and Mr. Speaker—28.

Mr. Sinon moved to pass the further consideration of Assembly Bill No. 36 temporarily on file.

So ordered.

## SECOND READING OF BILLS.

Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of

the Constitution of the State of California, relative to the Railroad Commission.

Mr. Storke moved that Assembly Bill No. 14 be passed on file until the consideration of Assembly Bill No. 46.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 49—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution, relative to the Railroad Commissioners.

The question being, shall the bill be read first time, the ayes and noes being demanded by Messrs. Faw, Irwin, and Walrath, the roll was called, and the bill ordered read first time by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Heath, Hunter, Irwin, Johnston, Keeler, Levenson, Lewison, Martin, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Plover, Rawle, Reeves, Rhel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Wheat, Wheelan, and Mr. Speaker—58.

NOES—Messrs. Head, Hollister, Kerrick, Matthews, McHale, Peterson, and Yell—7.

Read first time.

The consideration of Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State—was resumed.

Mr. Cutter moved to suspend the rules, and make the further consideration of Assembly Bill No. 36 a special order for Friday, at ten o'clock and thirty minutes A. M.

Ruled to be out of order.

Mr. Murdock moved that the further consideration of Assembly Bill No. 36 be passed temporarily on file.

So ordered.

#### FIRST READING OF BILLS—(RESUMED).

Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads.

Ordered read first time.

Read first time.

The substitute recommended by the Committee on Corporations for Assembly Bill No. 47 was read first time.

#### CONCURRENT RESOLUTION.

By Mr. Breckinridge: Assembly Concurrent Resolution No. 13—Relative to the "tax suits" pending on appeal in the Supreme Court of the United States from the United States Circuit Court for the District of California.

Adopted.



## LEAVE OF ABSENCE.

Mr. Booth was granted leave of absence.

## RECESS.

At eleven o'clock and fifteen minutes A. M., on motion of Mr. Rhiehl, the House took a recess till two o'clock P. M.

## REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Campbell: Assembly Bill No. 54—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

Referred to Committee on Ways and Means.

## PROTEST.

Mr. Levenson offered a protest, relative to the ruling of the Chair, and the action of the House thereon, in declaring the motion to make Assembly Bill No. 36 a special order for Friday next.

Mr. Granger moved to lay the protest on the table.

So ordered.

## RESOLUTION—(OUT OF ORDER).

By Mr. Granger:

*Resolved*, That a special committee of three be appointed to make inquiry whether the present force in the Controller's office is sufficient to accomplish the extra work of investigating the irregularities which have occurred during preceding years in various State offices, by which the State has been deprived of considerable amounts of revenue due it; and further, that said committee shall report what additional force and cost will be needed, and report a bill, if deemed proper by the committee, to supply such required force and to pay the corresponding expenses thereof.

Mr. Flynn moved to refer the resolution to the Committee on Ways and Means.

So ordered.

## SPECIAL ORDER.

Special order for this hour:

The further consideration of the second reading of Assembly Bill No. 46—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution of the State, relating to Railroad Commissioners. (Introduced on behalf of the Committee on Constitutional Amendments as a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34.)

The question being the consideration of the amendment offered by Mr. Irwin on Friday last, Mr. Terry moved to amend the amendment, by striking out the words "two additional;" also, the words "the two Railroad Commissioners to be elected at the Presidential election, A. D. 1884," and insert the following: "their successors."

Mr. Crumpton moved that Assembly Bill No. 14 be adopted, as a substitute for the entire bill.

Pending the discussion of the bills, amendments, and substitute, Mr. Hollister moved that the further consideration of them be made a special order for to-morrow, at ten o'clock and thirty minutes A. M.

The ayes and noes being demanded by Messrs. Rhiei, Townsend, and Hollister, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barnes, Bayley, Bibb, Briceland, Brown, Caminetti, Carter, Cary, Coleman, Culver, Cutter, Doty, Faw, Granger, Harvey, Hollister, Irwin, Johnston, Keeler, McClaskey, Murdock, Murphy, Nicol, O'Connor, Parker, Rawley, Reeves, Ryan, and Wharton—30.

NOES—Messrs. Barry, Beard, Callaghan, Campbell, Clark, Coombs, Crumpton, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Lewison, Martin, Matthews, McHale, McKinley, Peterson, Plover, Rhiei, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—39.

At four o'clock and thirty-five minutes P. M., Mr. Crumpton moved that the House do now adjourn.

The ayes and noes being demanded by Messrs. Storke, Barry, and Hall, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Bayley, Brown, Caminetti, Carter, Cary, Clark, Coleman, Crumpton, Culver, Cutter, Faw, Fleming, Granger, Harvey, Hollister, Irwin, Johnston, Keeler, McClaskey, Murdock, Murphy, Nicol, O'Connor, Rawley, Reeves, Ryan, Walrath, Wharton, and Mr. Speaker—30.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Coombs, Doty, Farley, Field, Flynn, Fortna, Gaussail, Hall, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Martin, Matthews, McHale, McKinley, Parker, Peterson, Plover, Rhiei, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, and Yell—41.

Mr. Storke moved that Assembly Bill No. 14, Assembly Bill No. 49, and Assembly Bill No. 46, and the amendment to the amendment of Mr. Irwin to Assembly Bill No. 46, by Mr. Terry, be recommitted to the Committee on Constitutional Amendments, with instructions to report to-morrow morning.

The ayes and noes being demanded by Messrs. Walrath, Wharton, and Weaver, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barnes, Bayley, Beard, Bowers, Brown, Caminetti, Carter, Cary, Coleman, Culver, Doty, Farley, Faw, Fleming, Granger, Hamilton, Hershey, Hollister, Hunter, Keeler, Kerrick, Murdock, Murphy, Nicol, Parker, Reeves, Ryan, Sinon, Stephens, Storke, Townsend, and Walrath—35.

NOES—Messrs. Barry, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Clark, Coombs, Crumpton, Cutter, Field, Flynn, Fortna, Gaussail, Hall, Harvey, Head, Heath, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, O'Connor, Peterson, Plover, Rawley, Rhiei, Terry, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—39.

#### ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Campbell, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, April 23, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Sweetland was granted leave of absence for the day, and Mr. Stewart was granted indefinite leave of absence.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, on motion of Mr. Storke, further reading of the Journal was dispensed with.

Journal of Tuesday approved.

## REPORTS OF STANDING COMMITTEES.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 54—Entitled "An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

## ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1884.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred a resolution, by Mr. Sweetland—Relative to the pay of J. H. Williams, for services as Porter of the committee rooms of the Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the following amendment: "twelve dollars," instead of "sixteen dollars."

Also, a resolution by Mr. Doty, relative to the appointment of Frank O'Brien as Porter of the rooms of the Engrossing, Enrolling, and Journal Clerks, and recommend that it do pass.

CLARK, Chairman.

Adopted.

## INTRODUCTION OF BILLS.

By Mr. Field: Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An

Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

Referred to Committee on Ways and Means.

By Mr. Campbell: Assembly Bill No. 56—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Ordered placed on file.

Mr. Keeler moved that Assembly Bill No. 18 be restored to the file. So ordered.

#### BILL ON PASSAGE.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Mr. Flynn moved that the further consideration of Assembly Bill No. 36 be passed temporarily on file.

So ordered.

#### SECOND READING OF BILLS.

Assembly Bill No. 46—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution of the State, relating to Railroad Commissioners. (Introduced on behalf of the Committee on Constitutional Amendments as a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34.)

Second reading of Assembly Bill No. 46 resumed.

The question being, on the adoption of Assembly Bill No. 14 as a substitute for Assembly Bill No. 46.

#### CALL OF THE HOUSE.

Mr. Carter moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Read, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Johnston moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question recurring on the adoption of Assembly Bill No. 14, as a substitute for Assembly Bill No. 46, the ayes and noes being demanded by Messrs. Johnston, Barry, and Flynn, the roll was called, and the substitute adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bibb, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley,

Faw, Field, Flynn, Fortna, Gaussail, Harvey, Heath, Hershey, Hollister, Hunter, Johnston, Keeler, Kerrick, Martin, McClaskey, McDonald, McHale, Murdock, Nicol, Peterson, Plover, Reeves, Rhial, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—53.

NOES—Messrs. Bayley, Beard, Brown, Culver, Fleming, Granger, Hamilton, Head, Healy, Irwin, Lewison, Matthews, McKinley, Murphy, O'Connor, Parker, Rawle, Ryan, Walrath, and Wharton—20.

#### LEAVE OF ABSENCE.

Mr. Ryan was granted leave of absence for this afternoon.

#### RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Storke, the House took a recess till two o'clock P. M.

#### REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

#### SPECIAL ORDER.

The special order set for this hour :

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages, having arrived, Mr. Wallace moved that the consideration of the special order be passed temporarily on file.

So ordered.

#### SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission.

Mr. Murdock moved to amend, by striking out lines eight, nine, ten, and eleven, and portion of line twelve, down to and including the word "election," and inserting, instead, the following:

"Section 22. Three Railroad Commissioners shall be elected by the qualified electors of the State at the next general election, whose salary shall be fixed by law and whose term of office shall be six years, from and after the first Monday after the first day of January next succeeding their election; provided that they shall at their first meeting so classify themselves, by lot, that one of them shall go out of office at the end of two years, one of them at the end of four years, and one of them at the end of six years; and an entry of such classification shall be made in the minutes of the Commission, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. Every two years thereafter one Commissioner shall be elected, whose term of office shall be six years."

Mr. Irwin moved to amend the amendment, by striking out of section twenty-two, line ten, the words "at the next general election," and insert, "at the regular gubernatorial elections."

Lost.

The question then being on the adoption of the amendment offered by Mr. Murdock, the ayes and noes being demanded by

Messrs. Hollister, Murdock, and Wharton, the roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Leverson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiei, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, and Mr. Speaker—66.

NOES—Messrs. Bayley, Clark, and Yell—3.

Mr. Coleman moved to amend, by inserting in line fifty-two, page three, after the word "remove," the words "after investigation."

Mr. Granger moved to amend the amendment, by striking out the word "investigation," and inserting the words "due notice."

Lost.

The question recurring on the adoption of the amendment offered by Mr. Coleman, the ayes and noes being demanded by Messrs. Wharton, Healy, and Nicol, the roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Barnes, Bayley, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Cary, Coleman, Culver, Cutter, Farley, Faw, Flynn, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Sinon, Stephens, Townsend, and Walrath—40.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Field, Fleming, Fortna, Gaussail, Granger, Hall, Head, Hunter, Kerrick, Martin, Matthews, McDonald, Parker, Rhiei, Storke, Terry, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—33.

Mr. Granger moved to amend, by striking out of section twenty-two, line forty-one, the words "two thirds," and inserting, instead, the following: "majority."

The ayes and noes being demanded by Messrs. Granger, Murdock, and Rhiei, the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Granger, Head, Parker, Rhiei, Storke, and Wharton—9.

NOES—Messrs. Barnes, Bayley, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Sinon, Stephens, Terry, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—62.

Mr. Granger moved to amend, by inserting after the word "power," in section twenty-two, line seventeen, the words "subject to the ultimate revision and direction of the Legislature, whenever the same shall be interposed."

Lost.

Mr. Campbell moved to amend, by striking out, after the word "people," in line two, section twenty-three, the words, "and the promulgation by the Governor."

Adopted.

Mr. Cutter moved to amend, by striking out all of section twenty-three, and inserting the following:

"Section 23. This amendment shall be submitted to the qualified

electors of the State at a special election, to be held on Wednesday, the twenty-eighth day of May, eighteen hundred and eighty-four."

POINT OF ORDER.

Mr. Campbell made the point of order, that the amendment was not proper to be engrafted into an amendment to the Constitution, belonging properly to legislative enactment, and not as amendment to the Constitution.

The Speaker held the point well taken.

Mr. Johnston offered the following, as a substitute for section twenty-three:

"Section 23. Upon the adoption of this amendment by the people of this State, it shall be the duty of the Governor to call a special election within sixty days thereafter, at which there shall be elected three Railroad Commissioners, who shall hold office until the Commissioners elected at the next general election shall qualify as such. And upon the election and qualification of the Commissioners, at the special election hereinbefore provided for, the offices of the present Railroad Commissioners shall become vacant."

Lost.

Mr. Johnston moved to amend, by striking out all of section twenty-four.

Lost.

Mr. Granger moved to amend, by adding to section twenty-four the words "and may add to the judicial powers of the Railroad Commission, for the purposes of a full adjudication of the complaints brought before it, and for the due enforcement of the same."

Lost.

Mr. Cutter moved to amend, by adding, after the word "follows," in line seven, page one, the following: "Said amendment to be submitted to the people at a special election, to be held on Wednesday, the twenty-eighth day of May, eighteen hundred and eighty-four."

CALL OF THE HOUSE.

Mr. Bibb moved a call of the House.

Lost.

The question being on the adoption of the amendment offered by Mr. Cutter, the ayes and noes being demanded by Messrs. Cutter, Carter, and Wharton, the roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Barnes, Bayley, Breckinridge, Briceland, Brown, Caminetti, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Faw, Field, Fortna, Gaussail, Granger, Harvey, Hollister, Johnston, Keeler, Leverson, Lewison, Martin, McClaskey, McKinley, Nicol, O'Connor, Rawle, Reeves, Storke, Terry, Wallace, Walrath, Weaver, and Wheelan—36.

NOES—Messrs. Atwell, Barry, Beard, Bibb, Campbell, Cary, Doty, Farley, Fleming, Flynn, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Kerrick, Matthews, McHale, Murdock, Murphy, Parker, Peterson, Plover, Rhel, Sinon, Stephens, Townsend, Wharton, Wheat, Yell, and Mr. Speaker—33.

Mr. Martin moved to reconsider the vote whereby the House adopted the amendment offered by Mr. Cutter to the bill, on page twenty-one, line seven.

So ordered.

The question then recurring on the original amendment, Mr. Cutter

asked the unanimous consent of the House to withdraw, and be allowed to amend his previous amendment, so as to read as follows: "Said amendment to be submitted to the people at a special election, to be held within thirty days after the adjournment of the present extra session."

So ordered.

Read second time, ordered engrossed, printed, and to third reading.

The consideration of the special order: Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages—set for two o'clock this day—was then resumed.

Mr. Campbell moved that the rules be suspended for the purpose that Assembly Bill No. 28 may be considered and amended.

So ordered.

#### ADJOURNMENT.

At four o'clock and twenty-five minutes, on motion of Mr. Farley, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, April 24, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crompton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal, Mr. Peterson moved that further reading be dispensed with.

So ordered.

Journal of Wednesday approved.

#### REPORTS OF COMMITTEES.

##### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 6—Introduced by Mr. Levenson, entitled "An Act proposing an amendment to section four, article thirteen, of the Constitution, relative to revenue and taxation."



Also, Assembly Bill No. 17—Introduced by Mr. Caminetti, entitled “An Act to propose an amendment to section ten, of article thirteen, of the Constitution of the State of California, relative to the assessment of property.”

Also, Assembly Bill No. 25—Introduced by Mr. Irwin, and entitled “An Act proposing an amendment to the Constitution of the State of California, in relation to the classification and regulation of railways.”

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

GRANGER, Chairman.

#### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1884.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 51—“An Act to amend section eighty-five of an Act entitled ‘An Act to establish a Penal Code,’ approved February 14, 1872, relating to bribery”—have had the same under consideration, and now report the same back, and recommend that it do not pass, for the reason that it is legislation not embraced in the Governor’s proclamation convening the Legislature in extra session.

Also, Assembly Bill No. 45—“An Act to amend section three thousand six hundred and seventy-four of an Act entitled ‘An Act to establish a Political Code,’ approved March 12, 1872, relating to the powers and duties of County Boards of Equalization”—without recommendation.

Also, Assembly instructions—Introduced by Mr. Atwell, April 17, 1884, requiring the opinion of your committee on certain inquiries therein contained, and respectfully answer each of said questions in the negative.

TERRY, Chairman.

#### INTRODUCTION OF BILLS.

By Mr. Campbell: Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the departments of the State government.

Referred to the Committee on Ways and Means.

#### RESIGNATION.

Mr. Levenson rose to explain his position upon the floor of the House, and after doing so, tendered his resignation as a member of the twenty-fifth (extra) session.

#### CALL OF THE HOUSE.

Mr. Terry moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O’Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Johnston moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Barry moved that the Sergeant-at-Arms be instructed to arrest and bring all delinquent members before the bar of the House.

So ordered.

Mr. Culver moved that all the members now absent, when brought

before the bar of the House, be fined one dollar, unless able to give satisfactory excuses.

Lost.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

Lost.

Messrs. Hollister and Fleming were brought before the bar of the House.

Mr. Yell moved that Messrs. Hollister and Fleming be fined two dollars and fifty cents, unless able to give satisfactory excuses.

So ordered.

Messrs. Hollister and Fleming were then excused.

Mr. Irwin moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Nicol moved that further proceedings under the call of the House be dispensed with.

The ayes and noes being demanded by Messrs. Healy, Breckinridge, and Hall, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Bayley, Beard, Booth, Briceland, Brown, Caminetti, Carter, Culver, Faw, Hamilton, Harvey, Hollister, Irwin, Johnston, Lewison, McKinley, Murdock, Parker, Rawle, Reeves, Sinon, Sweetland, Terry, Wallace, Wharton, and Wheat—27.

**NOES**—Messrs. Atwell, Barry, Bibb, Breckinridge, Callaghan, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Hall, Head, Healy, Heath, Hershey, Hunter, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murphy, Nicol, Peterson, Plover, Rhie, Ryan, Stephens, Storke, Townsend, Walrath, Weaver, Wheelan, Yell, and Mr. Speaker—45.

Mr. Levenson was brought before the bar of the House.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

The resignation of Mr. Levenson was then handed to the Speaker.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Granger:

*Resolved*, That it is the sense of this House, that it disclaims all unkindness of feeling of the Assembly towards the member from San Francisco (Dr. Levenson), and that it requests of the gentleman to reconsider his action as to resigning his seat, before his written communication sent to the Speaker, concerning his intended resignation, be read to the House.

Mr. Brown moved to lay the resolution on the table.

Lost.

Mr. Flynn moved to amend the resolution offered by Mr. Granger as follows: "It being necessary in the interest of the people of this State that every vote be obtained on measures now pending before this House, we therefore request, for reasons above set forth, that Dr. Levenson be requested to withdraw his resignation."

Mr. Breckinridge offered the following as a substitute for the foregoing resolution and amendment thereto:

*Resolved*, That the member from San Francisco (Mr. Levenson) be respectfully requested to withdraw his resignation.

The ayes and noes being demanded by Messrs. Bibb, Breckinridge, and Campbell, the roll was called, and the substitute adopted by the following vote:

**AYES**—Messrs. Barry, Beard, Bibb, Breckinridge, Briceland, Campbell, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Parker, Peterson, Plover, Rhel, Sinon, Stephens, Townsend, Wallace, Wheat, Wheelan, Yell, and Mr. Speaker—46.

**NOES**—Messrs. Barnes, Bayley, Brown, Caminetti, Carter, Cary, Culver, Harvey, Healy, Hollister, Irwin, Johnston, Keeler, McKinley, Murphy, Nicol, O'Connor, Rawle, Reeves, Ryan, Stewart, Storke, Sweetland, Terry, Walrath, Weaver, and Wharton—27.

# RECESS.

At twelve o'clock and five minutes, on motion of Mr. Crumpton, the House took a recess until two o'clock P. M.

# REASSEMBLED.

The House reassembled.

Speaker pro tem. Campbell in the chair.

Quorum present.

# REPORTS OF COMMITTEES.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1884.

**MR. SPEAKER:** Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed: Assembly Bill No. 14—Entitled "An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution, in relation to the Railroad Commission."

CALLAGHAN, Chairman.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1884.

**MR. SPEAKER:** Your Committee on Ways and Means, to whom was referred Assembly Bill No. 53—Entitled "An Act to amend section three thousand eight hundred and twenty-four of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Assembly Bill No. 52—Entitled "An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation, and the powers and duties of Assessors"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also, Assembly Bills Nos. 21 and 44—Entitled, respectively, "An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and twenty-nine, relative to the commencement of actions for the purpose of restraining the assessment and collection and questioning the validity or legality of any tax," and "An Act to amend section three thousand seven hundred and seventy-three of the Political Code, relating to the sale of property for delinquent taxes"—have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also, Assembly Bill No. 55—Entitled "An Act to amend section three thousand six hundred and seventeen of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the definition of terms in the title on revenue"—have had the same under consideration, and respectfully report the same back to the House, without recommendation.

Also, Assembly Resolution—To inquire into and report to this House what sum, if any, should be appropriated to pay the expenses of investigating the accounts of the several departments of the State Government; also, what legislation, if any, is required to carry out the purposes of the investigations—have had the same under consideration, and respectfully report the same back, and recommend that the sum of two thousand dollars is sufficient for the purposes set forth in the resolution; also, that the Chairman be directed to prepare and introduce a bill, appropriating said sum, and giving the authority to the Controller to employ the necessary clerical force for that purpose.

CAMPBELL, Chairman.

# REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1884.

**MR. SPEAKER:** Your special committee to whom was referred Assembly Bill No. 48—have had the same under consideration, and now report the same back, and respectfully recommend that it do not pass.

NICOL, Chairman.

Speaker La Rue in the chair.

## BILLS ON PASSAGE.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Mr. Bibb moved to recommit Assembly Bill No. 36 to a special committee of one, with instructions to amend the same as follows: Insert after the word "value," in line nineteen, the following: "It shall be the duty of the Assessor, in person or by deputy, to visit each house and building in which personal property is to be found, whether such building be a dwelling house, business house, or other structure, and take an inventory in detail of each and every article of furniture, pictures, statuary, goods, or personal property, of any kind, found therein, and fix thereto, and to each article of such personal property, a separate valuation, according to the true and actual valuation thereof, and to carry the aggregate result thereof into the assessment roll for purposes of taxation."

Mr. Wallace moved that the amendment be amended, by adding: "For any violation of the provisions of this section the Assessor shall forfeit the sum of two thousand dollars, to be recovered from him and his bondsmen by suit in the name of the people of the State of California, one half thereof to be paid into the Common School Fund and the other half to the informer."

Mr. Barry moved that the amendment be printed and laid on the desks of the members, and the further consideration of Assembly Bill No. 36, and proposed amendments, be deferred until to-morrow.

So ordered.

A communication from Mr. Leverson, requesting a leave of absence, was read.

Mr. Kerrick moved that the leave of absence be granted.

The ayes and noes being demanded by Messrs. Hamilton, Breckinridge, and Flynn, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Bayley, Callaghan, Crompton, Fleming, Granger, Hamilton, Hershey, Hunter, Irwin, Kerrick, Lewison, Matthews, McHale, Parker, Reeves, Terry, Wallace, Wheelan, Yell, and Mr. Speaker—20.

NOES—Messrs. Atwell, Barnes, Barry, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Culver, Doty, Faw, Field, Flynn, Fortna, Gaussail, Hall, Harvey, Head, Healy, Heath, Hollister, Johnston, Keeler, Martin, McClaskey, McDonald, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Rhial, Ryan, Stephens, Stewart, Storke, Sweetland, Townsend, Walrath, Weaver, and Wheat—54.

## CALL OF THE HOUSE.

Mr. Healy moved a call of the House.

Lost.

## THIRD READING OF BILLS.

Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission.

Ordered read third time.

Read third time.

## CALL OF THE HOUSE.

Mr. Campbell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

The Sergeant-at-Arms was instructed to arrest and bring before the bar of the House any of the delinquents he may find.

Mr. Hollister moved that all further proceedings under the call of the House be dispensed with.

Lost.

Mr. Breckinridge moved that the Assistant Sergeant-at-Arms be instructed to assist the Sergeant-at-Arms in arresting and bringing before the bar of the House delinquent members.

So ordered.

Mr. Sweetland moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Storke moved that the Sergeant-at-Arms be granted further time to seek for the delinquent members.

So ordered.

Mr. Nicol moved that additional deputies be allowed the Sergeant-at-Arms to assist him in hunting for the members absent without leave.

So ordered.

The Speaker then appointed Messrs. Leake, Nicol, and Barry to act as such deputies.

Mr. Yell moved that the Assistant Sergeant-at-Arms be given an additional deputy to aid him in keeping the door of the House closed.

So ordered.

The Speaker then appointed Mr. Hamilton to act as such deputy.

Mr. Cutter was brought before the bar of the House and excused.

Mr. Campbell moved that the roll be called.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Atwell moved that further proceedings under the call of the House be dispensed with.

So ordered.

Mr. Campbell moved the previous question.

So ordered.

The question being, shall the main question now be put, it was so ordered.

The question then being on the passage of Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission, the roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Breckinridge, Briceland, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhie, Stephens, Storke, Terry, Townsend, Wallace, Wheat, and Mr. Speaker—51.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Cary, Culver, Harvey, Healy, Hollister, Irwin, Keeler, Lewison, McKinley, Murphy, O'Connor, Rawle, Ryan, Sinon, Stewart, Sweetland, Walrath, Weaver, Wharton, Wheelan, and Yell—25.

Mr. Yell gave notice that on to-morrow he would move to reconsider the vote whereby the House refused to pass Assembly Bill No. 14.

Mr. Atwell gave notice that on to-morrow he would move to reconsider the vote whereby the House refused to pass Assembly Bill No. 14.

Mr. Wharton moved that the committee to whom was referred the resolution relative to the removal of Messrs. Carpenter and Humphreys, be instructed to report the said resolution to the House forthwith.

So ordered.

#### CONCURRENT RESOLUTION.

By Mr. Keeler: Assembly Concurrent Resolution No. 14—Relative to the trial and removal of Messrs. Humphreys and Carpenter from the Railroad Commission.

Mr. Terry moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Walrath, Wharton, and Hollister, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Breckinridge, Briceland, Caminetti, Coombs, Cutter, Faw, Flynn, Gaussail, Hall, Johnston, Kerrick, McClaskey, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Terry, and Wheelan—24.

NOES—Messrs. Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Brown, Campbell, Carter, Cary, Clark, Coleman, Crumpton, Culver, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Lewison, Martin, Matthews, McDonald, McHale, McKinley, Murdock, Parker, Reeves, Rhie, Ryan, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—54.

The question being, shall the resolution be referred to the Committee on Corporations.

Mr. Irwin moved to amend, by referring the resolution to the Judiciary Committee.

Lost.

The question recurring on the motion to refer to the Committee on Corporations, the motion was adopted.

Mr. Campbell moved to suspend the rules and take up for consideration Assembly Bill No. 54.

So ordered.

#### FIRST READING OF BILLS.

Assembly Bill No. 54—An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

Ordered read first time.

Read first time.

At four o'clock and fifty-five minutes p. m., Mr. Irwin moved that the House do now adjourn.

Lost.

#### SECOND READING OF BILLS.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to assessment of mortgages.

Mr. Campbell moved to amend, by striking out all after the word "thereof," in line thirty-four, page two, printed bill, down to and including the word "thereon," in line forty-two.

Mr. Coleman moved that further consideration of Assembly Bill No. 28 be passed on file.

So ordered.

Mr. Coleman moved that the Committee on Constitutional Amendments be instructed to report Assembly Bill No. 33 back to the House to-morrow.

Mr. Yell moved to amend by making it immediately.

Lost.

The question then recurring on the motion of Mr. Coleman, for the Committee on Constitutional Amendments to report to-morrow, the motion was adopted.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Campbell :

WHEREAS, One Wilson A. Henry, Police Judge of the Police Court of the City of Sacramento, California, has issued a warrant for the arrest of E. F. Conway, Assistant Minute Clerk of this House, under a pretended charge of having failed to enter a certain protest in the Journal of the proceedings of this House, and said warrant has been served upon said E. F. Conway, and he has been taken into custody by R. W. Ash, a police officer; and, whereas, said Wilson A. Henry, Police Judge of said Court, has issued a subpoena duces tecum upon George W. Peckham, Journal Clerk, requiring him to produce the Journal of this House and certain original documents; also, upon the Chief Clerk; and has also issued a subpoena and served it upon Messrs. Johnston from Napa, and Campbell from Sonoma, members of this House, requiring them to appear and testify as witnesses upon the trial of said pretended charge; and, whereas, said proceedings by said Police Judge, and police officer, and each and every act and thing pertaining to the arrest of said E. F. Conway, Assistant Minute Clerk, and the issuing of the warrant therein, and the subpoenas requiring the appearance of said Journal Clerk, and the production by him of the books and papers specified in said subpoena, and of the appearance of said Chief Clerk, and said Campbell and Johnson, members of this House, are null and void, and are a breach of the privileges of this House, and by said acts and doings the said Wilson A. Henry and R. W. Ash are in contempt of this House; therefore,

*Resolved*, That a select committee of three be appointed by the Chair, to whom said matters shall be given in charge, with directions to report to this House what action, if any, may be necessary in the premises.

On motion of Mr. Caminetti, the resolution was adopted.

The Speaker then appointed Messrs. Campbell, Booth, and Terry, as a special committee to carry out the provisions of the foregoing resolution.

#### ADJOURNMENT.

At five o'clock and ten minutes, on motion of Mr. Cutter, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, April 25, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerriek, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, Mr. Field moved that further reading be dispensed with.

So ordered.

Journal of Thursday approved.

Mr. Campbell was excused from serving on special committee relating to the holding of Wilson A. Henry and others in contempt of this House.

The Speaker appointed Mr. Caminetti vice Campbell, excused.

#### REPORTS OF COMMITTEES.

##### ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 33—Introduced by Mr. Storke, and entitled "An Act to propose an amendment to sections four and ten, of article thirteen, of the Constitution, relative to the assessment of mortgages"—have had the same under consideration, and respectfully report the same back, without recommendation.

GRANGER, Chairman.

#### COMMUNICATION FROM THE GOVERNOR.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 24, 1884. }

To the honorable the Assembly:

MR. SPEAKER: I have the honor to herewith transmit a communication from the Board of State Prison Directors, relating to a drawback of duties on jute imported by order of the State



Board of Prison Directors for the use of the State, for such action as you may think advisable to take.

Very respectfully, etc.,

GEORGE STONEMAN, Governor.

On motion of Mr. Storke, the communication was referred to the Committee on Ways and Means, and ordered printed.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1884.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Concurrent Resolution No. 2—Relative to the removal of G. J. Carpenter and W. P. Humphreys, Railroad Commissioners for the First and Second Districts, respectively—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BARRY,  
STORKE,  
RHEL,  
WHEAT,  
BEARD,  
CLARK,  
BRECKINRIDGE,  
For the majority.

##### PETITION.

By Mr. Storke: Relative to the levy of local licenses by Boards of Supervisors.

Referred to the Committee on Ways and Means.

##### BILLS ON PASSAGE.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Mr. Johnston moved that Assembly Bill No. 36 be placed on second reading file.

So ordered.

Mr. Campbell moved to reconsider the vote whereby the House refused to pass Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission.

The ayes and noes being demanded by Messrs. Coleman, Storke, and Bibb, the roll was called, and the motion to reconsider adopted by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Breckinridge, Briceland, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Johnston, Kerick, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhel, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—53.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Cary, Culver, Harvey, Healy, Irwin, Lewison, McKinley, Murphy, O'Connor, Rawle, Ryan, Stewart, Sweetland, Walrath, and Wharton—9.

Mr. Campbell moved that further consideration of Assembly Bill

No. 14 be made a special order for Tuesday next, immediately after the reading of the Journal.

So ordered.

Mr. Coleman moved that when we do adjourn to-day, that we adjourn to meet on Monday next, at ten o'clock.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Walrath was granted leave of absence till Tuesday next, and Mr. Bibb was granted leave of absence till Monday, at two o'clock.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Plover:

*Resolved*, That on the passage of every bill and of every concurrent resolution, for which a majority of two thirds of the members of the House is required, a call of the House shall be made without motion for that purpose prior to the taking of the vote on the passage thereof.

Referred to the Committee on Rules.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Wharton: Assembly Bill No. 58—An Act to repeal section three thousand seven hundred and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the collection of property taxes.

Referred to Committee on Ways and Means.

#### SECOND READING OF BILLS.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Campbell moved to amend, by striking out all after the word "thereof," in line thirty-four, page two, printed bill, down to and including the word "thereon," in line forty-two.

Mr. Wallace moved that the following be adopted as a substitute for the amendment: Strike out from and including the word "for," in line thirty-four, down to and including the word "assessment," in line thirty-seven, page three, and insert: "For purposes of assessment and taxation, the value of a mortgage, deed of trust, contract, or obligation, by which a debt is secured, shall be its cash value ascertained as herein prescribed; such cash value shall, *prima facie*, be taken to be the amount expressed on the face thereof; in all cases it may be shown by proof, for the purpose of reducing the amount of the *prima facie* cash value thereof, that the cash value of the property affected thereby is less than the value expressed upon the face thereof, or that the unpaid amount of the debt secured thereby is less than the amount mentioned therein as the amount secured thereby; provided, that the cash value of a mortgage, deed of trust, contract, or obligation, by which unpaid negotiable bonds are secured, shall not be reduced below the cash value of the property affected thereby, or the average cash value of such bonds during the year next preceding the assessment."

Mr. Johnston moved the following substitute for both amendment and substitute:

Strike out, commencing with the word "for," in line thirty-four, page two, printed bill, down to and including the word "thereon," in line forty-two, page three, printed bill, and insert, in lieu thereof, the following: "A mortgage, deed of trust, contract, or other obligation, by which a debt is secured, must be assessed at its actual cash value."

#### CALL OF THE HOUSE.

Mr. Wallace moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutler, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Harvey, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Mr. Wallace moved to dispense with further proceedings under the call of the House.

So ordered.

Mr. Wallace moved to pass Assembly Bill No. 28 on the file.

So ordered.

Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads. (Introduced on behalf of the Committee on Corporations.)

On motion of Mr. Storke, Assembly Bill No. 47 was passed on file.

Assembly Bill No. 49—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution, relative to the Railroad Commissioners.

On motion of Mr. Johnston, Assembly Bill No. 49 was passed on file.

Assembly Bill No. 54—An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

Ordered read second time.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Campbell, the House went into Committee of the Whole for the purpose of considering Assembly Bill No. 54—An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

Speaker La Rue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker La Rue in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 54—An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year—and now report the same back, and recommend its passage.

## MINORITY REPORT.

MR. SPEAKER: The minority of the Committee of the Whole recommends that Assembly Bill No. 54 be amended, by striking out the word "sixteen," in line five, of section one, and inserting in place thereof, the word "five," and that the bill pass as amended.

TERRY.

Mr. Murdock moved that the majority report be adopted.

So ordered.

Mr. Campbell moved that Assembly Bill No. 54 be declared a case of urgency, and read a third time and placed upon its final passage.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Booth, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Coombs, Crumpton, Culver, Doty, Farley, Fleming, Fortna, Granger, Hamilton, Harvey, Head, Healy, Heath, Hershey, Keeler, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Ryan, Stephens, Stewart, Storke, Townsend, Wallace, Wharton, Wheat, Wheelan, and Mr. Speaker—51.

NOES—Messrs. Bayley, Bibb, Clark, Coleman, Faw, Field, Flynn, Gaussail, Hall, Hunter, Irwin, Johnston, Kerrick, Lewison, Rhiel, Sweetland, Terry, Weaver, and Yell—19.

Assembly Bill No. 54 was then ordered engrossed and to third reading.

## LEAVE OF ABSENCE.

Mr. Beard was granted leave of absence till Monday, at two o'clock P. M.

## RECESS.

At twelve o'clock and twenty-eight minutes P. M., Mr. Coleman moved that the House do now adjourn.

Mr. Rhiel moved, as an amendment, that the House take a recess until two o'clock P. M.

So ordered.

## REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

## REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1884.

MR. SPEAKER: Your select committee to whom was referred the matter of the issuance of a warrant for the arrest of the Assistant Minute Clerk of the Assembly, and of subpoenas duces tecum for certain officers and members of this Assembly, by the Police Court of the City of Sacramento—have had the same under consideration, and beg leave to report that the charge against the Assistant Minute Clerk was dismissed by said Police Court on motion of the City Attorney; that the warrant was granted by the Police Judge upon the advice of the City Attorney, and that the subpoenas were signed by the Police Judge in blank, and the names of witnesses and orders to produce books and records were inserted without his knowledge.

Inasmuch as all the city officials disclaim any intention to hamper this House in the discharge of its duties, or to show it any disrespect, your committee is of the opinion that no further action is necessary in the premises.

Respectfully submitted.

TERRY,  
CAMINETTI,  
BOOTH.

Adopted.

## LEAVE OF ABSENCE.

Messrs. Murdock, Coombs, Bayley, Fortna, Cutter, Harvey, and Cary were granted leave of absence till Monday, at two o'clock P. M.

Mr. Terry moved to reconsider the vote whereby the House decided to adjourn till Monday, at ten o'clock A. M.

So ordered.

Mr. Terry moved that when we do adjourn to-day, we adjourn till Monday, at two o'clock P. M.

So ordered.

## RESOLUTION—(OUT OF ORDER).

By Mr. Head:

*Resolved*, That the Speaker be and he is hereby directed to telegraph to A. B. Moffitt, member of this House, to appear in this House on or before Tuesday, April twenty-ninth, eighteen hundred and eighty-four, at ten o'clock A. M., and to ask an immediate reply; that said Speaker also inform said Moffitt that unless he immediately answers said dispatch, notifying him that he will start, so as to be here at that time, that this House will order the Sergeant-at-Arms to proceed to Los Angeles County for Moffitt.

Adopted.

## LEAVE OF ABSENCE.

Messrs. Coleman, Plover, and Flynn were granted leave of absence for the day.

## FIRST READING OF BILLS.

Assembly Bill No. 56—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Ordered read first time.

Read first time, and ordered to second reading.

Assembly Bill No. 6—An Act to propose an amendment to section four, of article thirteen, of the Constitution of the State, relative to revenue and taxation.

Refused first reading.

Assembly Bill No. 17—An Act to propose an amendment to section ten, of article thirteen, of the Constitution of the State of California, relative to the assessment of property.

Passed on file.

Assembly Bill No. 25—An Act to propose an amendment to the Constitution of the State of California, in relation to the classification and regulation of railways.

Passed on file.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Ordered read first time.

Read first time, and ordered to second reading.

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Passed on file.

Assembly Bill No. 48—An Act to prevent and punish discriminations by railroad corporations, their officers, and servants.

Refused first reading.

Assembly Bill No. 21—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section three hundred and twenty-nine, relative to the commencement of actions for the purpose of restraining the assessment and collection of taxes, and questioning the validity or legality of any tax.

Refused first reading.

Assembly Bill No. 44—An Act to amend section three thousand seven hundred and seventy-three of the Political Code, relating to the sale of property for delinquent taxes.

Refused first reading.

Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation, and the powers and duties of Assessors.

Ordered read first time.

Read first time, and ordered to second reading.

Assembly Bill No. 53—An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property.

Ordered read first time.

Read first time, and ordered to second reading.

Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue. (Identical with Senate Bill No. 22.)

Ordered read first time.

Read first time, and ordered to second reading.

Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the departments of the State government.

Ordered read first time.

Read first time, and ordered to second reading.

#### ADJOURNMENT.

At two o'clock and forty minutes, on motion of Mr. Matthews, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, April 28, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty,

Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Kerrick, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhicl, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### LEAVE OF ABSENCE.

Mr. Walrath was granted leave of absence for the week; Mr. Lewison, for three days; and Messrs. Irwin, Head, Harvey, Martin, Terry, Clark, and Flynn, were granted leave of absence for the day.

Mr. Weaver asked for leave of absence for Tuesday, Wednesday, and Thursday.

Mr. Hamilton moved that the request be granted.

So ordered.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, on motion of Mr. Peterson, further reading of the Journal was dispensed with.

Journal of Friday approved.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, }  
SACRAMENTO, April 28, 1884.

*To the honorable the Assembly:*

MR. SPEAKER: The resignation of Montague R. Levenson, a member of the Assembly from the Twelfth Senatorial District, City and County of San Francisco, has been received at this office from the hands of the Speaker, and the same has been accepted.

GEORGE STONEMAN, Governor.

#### REPORTS OF COMMITTEES.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed: Entitled "An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year."

J. J. CALLAGHAN, Chairman.

The Judiciary Committee presented a majority and minority report upon Assembly resolutions of Messrs. Farley and Crumpton, relative to the compromise of the railroad tax cases now pending, and, upon motion of Mr. Johnston, the same were ordered printed in the Appendix of the Assembly Journal.

#### THIRD READING OF BILLS.

Assembly Bill No. 54—An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

Ordered read third time.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Matthews, McClaskey, McDonald, McIlale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—61.

**NOES**—None.

Title approved.

#### SECOND READING OF BILL.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

#### CONSIDERATION OF AMENDMENTS.

Mr. Campbell moved to amend, by striking out all after the word "thereof," in line thirty-four, page two, printed bill, down to and including the word "thereon," in line forty-two.

Mr. Wallace moved that the following be adopted as a substitute for the amendment: Strike out from and including the word "for," in line thirty-four, down to and including the word "assessment," in line thirty-seven, page three, and insert: "For purposes of assessment and taxation, the value of a mortgage, deed of trust, contract, or obligation, by which a debt is secured, shall be its cash value ascertained as herein prescribed; such cash value shall, *prima facie*, be taken to be the amount expressed on the face thereof; in all cases it may be shown by proof, for the purpose of reducing the amount of the *prima facie* cash value thereof, that the cash value of the property affected thereby is less than the value expressed upon the face thereof, or that the unpaid amount of the debt secured thereby is less than the amount mentioned therein as the amount secured thereby; *provided*, that the cash value of a mortgage, deed of trust, contract, or obligation, by which unpaid negotiable bonds are secured, shall not be reduced below the cash value of the property affected thereby, or the average cash value of such bonds during the year next preceding the assessment."

Mr. Johnston moved the following substitute for both amendment and substitute:

Strike out, commencing with the word "for," in line thirty-four, page two, printed bill, down to and including the word "thereon," in line forty-two, page three, printed bill, and insert, in lieu thereof, the following: "A mortgage, deed of trust, contract, or other obligation, by which a debt is secured, must be assessed at its actual cash value."

The question being on the adoption of the substitute offered by Mr. Johnston, the ayes and noes being demanded by Messrs. Breckinridge, Johnston, and Fleming, the roll was called, and the House refused to adopt the substitute by the following vote:

**AYES**—Messrs. Barnes, Bayley, Cary, Coleman, Crumpton, Cutter, Faw, Hamilton, Johnston, McKinley, Murdock, Murphy, Nicol, O'Connor, Rawle, Stewart, Sweetland, Weaver, Wharton, and Yell—20.

**NOES**—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Briceland, Brown, Callaghan,



Caminetti, Campbell, Carter, Coombs, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Heath, Hershey, Hunter, Irwin, Kerrick, Matthews, McClaskey, McDonald, McHale, Parker, Peterson, Plover, Reeves, Rhiei, Sinon, Stephens, Storke, Townsend, Wallace, Wheat, and Mr. Speaker—40.

The question then recurring on the adoption of the substitute of Mr. Wallace for the amendment offered by Mr. Campbell, the ayes and noes being demanded by Messrs. Campbell, Bibb, and Breckinridge, the roll was called, and the substitute adopted by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Briceland, Callaghan, Carter, Coombs, Crumpton, Doty, Farley, Fleming, Fortna, Gaussail, Granger, Hamilton, Hershey, Hunter, Kerrick, Matthews, McClaskey, McDonald, McHale, Parker, Peterson, Plover, Reeves, Rhiei, Sinon, Stephens, Storke, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—37.

**NOES**—Messrs. Barnes, Bayley, Brown, Caminetti, Campbell, Cary, Coleman, Cutter, Faw, Field, Heath, Irwin, Johnston, McKinley, Murdock, Murphy, Nicol, O'Connor, Rawle, Stewart, Sweetland, Weaver, and Wharton—23.

Mr. Storke moved to amend the amendment by striking out all after the word "thereby," in line fourteen, down to and including the word "assessment," in line fifteen, printed amendment.

The ayes and noes being demanded by Messrs. Storke, Matthews, and Peterson, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Booth, Brown, Caminetti, Cary, Cutter, Faw, Hollister, Johnston, McKinley, Murdock, O'Connor, Rawle, Ryan, Stewart, Storke, Sweetland, Weaver, and Wharton—19.

**NOES**—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Healy, Heath, Hershey, Hunter, Irwin, Kerrick, Matthews, McClaskey, McDonald, McHale, Nicol, Parker, Peterson, Plover, Reeves, Rhiei, Sinon, Stephens, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—44.

Mr. Coleman moved to amend the amendment, by striking out all after the word "thereby," in line eleven, down to and including the word "assessment," in line fifteen of the printed amendment.

The ayes and noes being demanded by Messrs. Coleman, Atwell, and Fleming, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Cary, Coleman, Cutter, Healy, Hollister, Irwin, Johnston, McKinley, Murdock, Nicol, Rawle, Ryan, Stewart, Storke, Sweetland, Townsend, Weaver, and Wharton—23.

**NOES**—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Heath, Hershey, Hunter, Kerrick, Matthews, McClaskey, McDonald, McHale, O'Connor, Parker, Peterson, Plover, Reeves, Rhiei, Sinon, Stephens, Wallace, Wheat, Yell, and Mr. Speaker—41.

Mr. Booth moved to amend section four, line forty-five, by inserting, after the word "levy," the following: "or a due proportion thereof, regard being had to length of time for which interest is paid, and fractions of years being taken into account."

Lost.

Mr. Wallace moved to amend as follows: Strike out from the amendment, in line two, the word "assessment," and insert the word "thereon;" also, in same line, the figures "37," and insert "42."

Adopted.

Mr. Johnston moved to amend, by adding to the end of line fifty-one, as follows: "The assessment of any mortgage, deed of trust,

contract or other obligation, by which a debt is secured, shall not be increased beyond the amount of unpaid principal thereon at the time of such assessment by any Board of Equalization, whether State or county."

The ayes and noes being demanded by Messrs. Johnston, Yell, and Nicol, the roll was called, and the motion adopted by the following vote:

**AYES**—Messrs. Barnes, Booth, Cary, Clark, Coleman, Coombs, Crumpton, Faw, Field, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Matthews, McHale, McKinley, Murdock, Nicol, Rawle, Rhie, Ryan, Stephens, Stewart, Storke, Townsend, Weaver, and Yell—32.

**NOES**—Messrs. Barry, Beard, Bibb, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Doty, Farley, Fleming, Fortna, Gaussail, Granger, McClaskey, Parker, Peterson, Plover, Reeves, Sinon, Wallace, Wharton, Wheat, and Mr. Speaker—25.

The question being, shall the bill be engrossed, printed, and to third reading, Mr. Storke moved to amend by postponing further consideration of Assembly Bill No. 28, and placing the same at the head of the second reading file.

The ayes and noes being demanded by Messrs. Healy, Atwell, and Wharton, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Bowers, Clark, Crumpton, Granger, Healy, Hershey, Murdock, Parker, Storke, Wharton, and Yell—11.

**NOES**—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Coleman, Coombs, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Hamilton, Heath, Hollister, Hunter, Irwin, Johnston, Kerrick, Matthews, McClaskey, McDonald, McHale, McKinley, Nicol, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Townsend, Wallace, Wheat, and Mr. Speaker—50.

Assembly Bill No. 28 was then ordered engrossed, printed, and to third reading.

Mr. Barry moved that the further consideration of Assembly Bill No. 28 be made a special order for to-morrow, immediately after the consideration of Assembly Bill No. 14.

So ordered.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Farley: Assembly Bill No. 59—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-seven, in relation to the establishment of maximum rates of charge for transportation of passengers and freights on railroads.

Referred to Committee on Constitutional Amendments.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti: Relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast, and now remaining unexpended.

Mr. Cutter moved that the resolution be referred to a special committee of five, to be appointed by the Chair.

So ordered.

The Speaker then appointed Messrs. Caminetti, Cutter, Stephens, Ryan, and Murdock, as such committee.

## ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Wallace, the House adjourned.

[*Supplement to Assembly Journal.*]

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, April 28, 1884. }

## REPORT OF THE COMMITTEE ON JUDICIARY.

## MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1884.

MR. SPEAKER: The undersigned members of your Committee on Judiciary beg leave to report as follows in reference to the inquiries submitted to the committee regarding the delinquent railroad tax cases and the entry of judgments therein for less amounts than those claimed in the complaint:

The questions we are called upon to answer are as follows:

1. Whether in the opinion of the committee the State was entitled to recover penalties, interest, and counsel fees in those suits?
2. Whether or not the Attorney-General had authority to waive the right to recover penalties, interest, or counsel fees, if that right existed?
3. Whether the Attorney-General, by stipulating that those judgments might be entered, waived the right of the State to recover penalties, interest, and counsel fees?
4. Whether or not the question, whether the State is entitled to recover penalties, interest, and counsel fees, in those suits, is open to review on appeal?
5. Whether the conduct and management of the said suits, on the part of the Attorney-General, have been such as to best enforce and guard the rights of the State and the various counties to the full amount of tax, penalty, interest, and costs; and whether, at any stage of said suits, he has countenanced the claim of the railroads to be released from all liability beyond the face of the said tax?
6. Whether the present condition of said suits is such as to best insure a full hearing of the legal questions involved in said suits in the Supreme Court of the United States on writ of error; and if not, what further steps should be taken by the Attorney-General to bring about such hearing?
7. Whether the status and condition of said suits have been in anywise altered by the Attorney-General from the date that stipulations for judgment were first entered into between the Attorney-General and the counsel for the railroad; and if so, when, and in what regards?

The committee are unanimously of the opinion that the first question should be answered in the affirmative, and the second in the negative; but the undersigned members of the committee believe that the right of the State to recover penalties, interest, and counsel fees, is not entirely free from doubt.

With respect to the other questions, or most of them, the undersigned differ in opinion from the other members of the committee.

The facts in reference to the cases, so far as necessary to a solution of the legal problem we are called upon to solve, are these:

The cases were tried and submitted, and judgments on the merits entered in favor of the defendants.

These judgments were afterwards set aside, and judgments entered in favor of the plaintiffs in each case for the face of the tax without penalty, interest, or attorney's fees. This was done in pursuance of a stipulation signed by the Attorney-General and the attorney for the defendants, as follows:

"The above entitled actions having been tried upon the merits, and the Court having announced its decision, and given judgment in favor of the defendants in each of said actions; and the defendants in each of said actions, notwithstanding the fact that the taxes therein sued for have been declared invalid, being minded to pay portions of the sums claimed; therefore it is stipulated that said judgment shall be vacated and set aside, and that notwithstanding the decision and judgment aforesaid, judgments in favor of the plaintiffs may be entered in said actions as follows:

[Here follow the different judgments in the several cases.]

"And it is agreed that this stipulation shall be filed in each of the said above mentioned actions, and be and become a part of the record therein."

A bill of exceptions in one of the cases, to wit: The County of San Bernardino vs. The Southern Pacific Railroad Company, was agreed to by the attorneys for the respective parties, and signed by the Judge of the United States Circuit Court, which contains the following language:

"And be it further remembered, that upon the foregoing evidence the Court gave judgment for the defendant, to which ruling of the Court, in giving judgment for the defendant, the plaintiff duly excepted. And be it further remembered, that after the said judgment was ordered, the defendant being minded to pay, notwithstanding the fact that the tax had been declared invalid, the full amount of the said tax due without penalty, interest, or counsel fees, and to leave the question of its liability for said penalty, interest, and counsel fees, to be finally determined by the Supreme Court of the United States in cases already pending there, or in this case, if appealed or taken there upon a writ of error, agreed for the purposes aforesaid that the judgment in its favor might be set aside, and judgment in favor of plaintiff be entered for the full amount of said tax, less penalties, interest, and counsel fees, which was done. And be it further remembered, that before said judgment for defendant was set aside, and in open Court, it was stipulated and agreed by and between the attorneys for the plaintiff and defendant that if said judgment was set aside, and judgment for the plaintiff entered, as aforesaid, the said defendant should not be deemed to have admitted thereby the validity of the taxes claimed, or any part thereof; nor should said judgment be treated upon an appeal, or proceedings under writ of error, as a consent judgment, the defendant then and there expressly waiving that point, if point it was.

"And be it further remembered, that the object and purpose of the proceeding then had was to enable defendant to pay into the State and county treasuries, on account, the sum for which the judgment was rendered, without prejudice to the right of the plaintiff in the case to proceed for penalties, interest, and attorneys' fees claimed, and in order that the litigation might be brought to a speedy conclusion."

According to the statement of the Attorney-General before the committee, a stipulation in writing was entered into between himself and the counsel for the defendants, that the cases in which these so called consent judgments were entered should abide by and be determined by the decision of the Supreme Court of the United States in the San Bernardino County case. This stipulation has not been produced, having been lost or mislaid, but a stipulation signed by counsel for the defendants about April 10, 1884, and dated March —, 1884, was produced, and is now in the possession of the Attorney-General. It reads as follows:

*"In the Circuit Court of the United States, District of California.*

"County of San Bernardino,

"vs.

"Southern Pacific Railroad Company."

} 2829.

"It is hereby stipulated and agreed by and between the parties to the above entitled action, and to the actions hereinafter referred to by number, and all recently determined by the Circuit Court of the United States, that the last mentioned actions shall abide by and be governed by the final determination of the Supreme Court of the United States in the above entitled action. And it is further stipulated that neither party will treat any of the judgments entered in said causes as consent judgments. That, if necessary to avoid such treatment by the Supreme Court of the United States, the judgments in favor of the plaintiffs in each of said actions may, on motion of the plaintiffs, be set aside, and judgments in each of the said cases in that event shall be entered nunc pro tunc of the date of the present judgments in favor of the defendants, according to the original decision of the Court, and to have the same force and effect in all respects as if such judgments had been so entered at said time.

"The cases referred to and which are to abide the final decision as aforesaid are numbered on the calendar of the United States Circuit Court as follows: 2755, 3093, 2781, 2778, 3060, 3061, 2786, 2788, 3108, 2798, 2797, 3063, 2803, 3071, 2820, 2819, 2825, 2914, 373, 2840, 2841, 3062, 2756, 3094, 2757, 2829, 3064, 2789, 2787, 3109, 2809, 2810, 2835, 2839, 3096, 3065, 3102, 3101, 3077, 2817, 2818, 2837, 3095, 3059, 2777, 2780, 3069, 3103, 3104, 3083, 2826, 2913, 2782, 2779, 3072, 3068, 2759, 3067, 3097, 2838, 3219, 3218, 2811.

"Dated March —, 1884.

"CREED HAYMOND,

"Counsel for defendants, for all attorneys for defendants."

We are clearly of the opinion that the third question must be answered in the negative. If the Attorney-General had no authority to waive the right to recover penalty, interest, and attorneys' fees, any attempted waiver by him would be void. But we do not think he waived the right, even if his authority to make a waiver be conceded. The right to have the question of penalty, interest, and counsel fees determined by the Supreme Court is reserved as plainly as language can reserve it.

We have no doubt that the question whether the State is entitled to recover penalties, interest, and attorneys' fees, is open to review on appeal, or, more properly speaking, on writ of error. This position is fully sustained by the decision of the Supreme Court of California in the case of *Mecham vs. McKay*, 37 Cal. 154.

With reference to the fifth inquiry, we beg leave to say that it presents questions, not of law, but of fact, and as all the evidence given before us was taken solely with a view of throwing light upon questions of law and not of fact, and as the inquiry in question was not submitted to us until after the testimony had closed, we do not feel justified in answering it.

In answer to the sixth inquiry, we have to say that we believe the present condition of the

suits is such as to insure "a full hearing of the legal questions involved in said suits in the Supreme Court of the United States on writ of error," though, perhaps, not such as to best insure that result. The Attorney-General should, in our opinion, take steps to have special findings of facts filed.

In answer to the seventh inquiry, we have to say that "the status and condition of said suits" have been altered by the Attorney-General since the stipulations for judgment were first entered into; and that he altered such status by procuring a bill of exceptions to be settled and filed, and also by procuring the stipulation dated March —, 1884, already referred to.

[Signed:]

TERRY,  
JOHNSTON,  
NICOL,  
CAMINETTI,  
BOOTH,  
RYAN,  
WHARTON.

#### MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1884.

MR. SPEAKER: The undersigned members of the Judiciary Committee answering the questions contained in the resolutions submitted by the Assembly on March 26, 1884, and the questions contained in the resolutions submitted April 14, 1884, respectfully report:

We deem it proper, in order to a full understanding of the questions propounded to the committee, to give a brief history of the litigation during the years eighteen hundred and eighty-three and eighteen hundred and eighty-four in the cases referred to.

In the year eighteen hundred and eighty-three there was pending in the Circuit Court of the United States, District of California, a large number of actions for the collection of revenue, commonly called the railroad tax cases.

In the months of July and August of that year, six of these cases were tried and submitted to the Court for decision and were decided by the Court in the month of September in favor of the railroad companies. These cases, it was understood, covered all the disputed questions in the controversy.

The matters, which were properly within the jurisdiction of the Federal Court, were common to all the cases, and but one opinion was rendered by the Court in the six cases tried.

In October following, a writ of error to the Supreme Court of the United States was duly granted in one of those cases, since commonly called "The Santa Clara County Case," and that cause was properly transferred to the Supreme Court of the United States. In the other cases no writ of error as yet has been sued out. After that appeal, and on the twentieth of October, 1883, Mr. Creed Haymond, acting as counsel for the Central and Southern Pacific Railroad Companies, addressed a communication to the Governor of the State, in which, referring to those companies, he said:

"That they will adjust the unpaid taxes claimed for the years 1880, 1881, and 1882, upon the basis of the valuation fixed by the State Board of Equalization upon all the properties in the year 1882, and pay the principal of said taxes for said three years as though such properties had been valued at the same rate for the years 1880 and 1881 as they were valued at in the year 1882. They will, in order that the State and counties interested may receive the principal sum net, also pay the Court costs incurred in the litigation, and counsel fees at the rate of ten per cent on the sum to be paid."

The assessment for the year 1882, upon which the railroad proposed to settle, was several millions less than that of either the year 1881 or 1883.

This proposition was submitted by the Governor to the Attorney-General, for his opinion, and that official, in his communication of November 8, 1883, replies:

"My opinion is that the power to make the compromise suggested, or to accept any sum less than that demanded in the suits now pending on appeal in the Supreme Court of the United States, does not exist in any or all of the departments of the State Government, except as a credit on the judgment. \* \* \*

If the amount of tax levied for State and county support is subject to reduction by State or county officers, or if the Courts themselves can give judgment for less than the lawful demand of the Government, our form of government is a failure.

"I see no reason yet to fear the almost menacing attitude assumed by the railroads, if the people and their representatives are true to their duties."

The proposed compromise was thereupon rejected by the Governor.

A short time after this it was suggested in some of the public prints as a settlement of the whole matter that the railroad companies pay the face of the taxes of 1880, 1881, and 1882, as assessed.

Under date November 13, 1883, Mr. Haymond, in a published letter, said:

"As an evidence of the sincerity with which the railroad companies which I represent have acted in this matter, and of their entire good faith, I now offer to adjust the disputes for the years 1880, 1881, and 1882, upon the basis of your (the Chronicle's) figures, and that upon the payment by the companies upon the basis suggested, all suits shall be settled and dismissed,

except those which have been or are to be appealed to the Supreme Court of the United States, and that we allow those cases to stand in order that the principles at issue may be determined, agreeing, whatever may be the result in those cases, to adjust them in the end on the same basis."

In a communication dated January 29, 1884, addressed to the Governor, the Attorney-General, referring to this offer of Mr. Haymond, says:

"Another offer has been made by those companies to pay the taxes for 1880-81-82 in full, except as to those cases in which appeals have been taken to the United States Supreme Court, and to pay in full in those cases, whether the judgment of that Court is for or against the roads, when the judgment is rendered; the object being to test certain principles in dispute between the companies and the State. This offer, however, does not include five per cent penalty for delinquency, nor two per cent per month interest, nor ten per cent attorney fee, which are demanded in the suits. This offer, to my mind, presents a different question from the other, and is not within the principle upon which the other was rejected. The power to tax is a sovereign, imperial power. The issue with the companies, as raised in the first proposition, is an issue of supremacy. The companies refused to pay because the tax was excessive, and offered to pay only if the tax was reduced. To have accepted their proposition would have been to surrender the principle of sovereignty in the State—to admit the right of the citizen to resist the payment of taxes, not on the ground of their illegality, but of their amount. This no officer and no Court has power to do. A Court having jurisdiction may declare a tax illegal, but cannot declare it excessive, or reduce the amount.

"The offer now made does not seem to me liable to this objection. It concedes the right of the State to levy and collect a tax which the companies aver is excessive, thus yielding the supremacy, and submitting to the sovereignty of the State. The sums demanded in the suits against the companies as penalty, interest, and attorney's fee, do not appear to me to involve the vital doctrine of your Excellency's refusal of their first offer, nor any vital doctrine. It is a question of costs—of procedure—not of revenue or principle. It is a matter of administrative determination. Without implying any doubt as to whether those sums could be collected—the question whether the suit for them should be pressed to judgment or not, after the principal sum, the real tax, is paid or tendered, after the revenue enacted to be paid is paid in full, is, I think, legitimate matter for executive consideration, and in this case in the power of this office to settle as a question of law. If a judgment for the face of the assessment for the years 1880-81-82 is entered on my motion or with my consent, it is, in my opinion, final."

To this, the Governor, in his reply, dated February 12, 1884, denied the power of the Attorney-General to accept the proposed offer and his right to stipulate that judgment might be taken in favor of the people for the amount of the tax assessed by the State Board of Equalization without the penalty, interest, or attorneys' fees, or consent to or allow judgment to be taken by order of the Court or otherwise, for a less amount than the amount claimed by the plaintiff in the complaints on file. The Governor concludes by saying:

"This office protests, and will continue to protest, against the acceptance of the offer of defendants, and against the acceptance of any offer which acknowledges and includes less than the whole demand of the State against the defendants."

On Tuesday, the twenty-sixth day of February, 1884, the Attorney-General and Mr. Haymond, attorney for the railroad companies, appeared in the Circuit Court of the United States for the purpose of carrying out the action indicated in their foregoing communications. The Court postponed the matter until the following Thursday.

In the meantime, the Governor of the State sued out an injunction from the Superior Court of the City and County of San Francisco, which was served on the Attorney-General on Wednesday, the twenty-seventh day of February, 1884. By this writ the Attorney-General was enjoined from compromising any of the tax cases pending in the Circuit Court of the United States, or from consenting to any judgment or proceeding therein, by which less should be recovered therein than the full amount claimed in the complaints to be due for taxes, penalties, and interest.

On Thursday, the twenty-eighth day of February, 1884, the Attorney-General and Mr. Haymond again came into Court, and forty-one of said cases were tried, submitted, and judgments therein at once rendered for the defendants.

This being done, Mr. Haymond then proposed, notwithstanding the fact that judgments had been given in favor of his clients, to permit judgments to be entered, for the face of the taxes alone, in favor of the plaintiffs. When called upon by the Court to state whether he consented to such judgments, the Attorney-General stated that his consent was unnecessary, and that if the defendants desired to have judgments go against them as proposed, he had no power to prevent them. The Court, nevertheless, declined to modify its first judgment except upon consent of the Attorney-General, and thereupon adjourned.

On the next day the Attorney-General and Mr. Haymond again came into Court, and the latter renewed his offer to permit judgment to go against his clients for the face of the taxes claimed. The Attorney-General announced that he would disregard the injunction served on him, and consent to said judgments. Thereupon, a stipulation twenty-four pages in length was produced by Mr. Haymond, whereupon the Attorney-General stated that he had not read it, but would sign it, and accordingly did sign it, without having read the same.

This stipulation declares, "the above entitled action having been tried upon the merits, and the Court having announced its decision in favor of the defendants in each of said actions, and the defendants in each of said actions, notwithstanding the fact that the taxes therein sued for have been declared invalid, being minded to pay portions of the sums claimed; therefore, the

defendants agree, that, notwithstanding the decision aforesaid, judgments in favor of plaintiffs may be entered in said actions as follows:—

[Here follow the amounts to be entered in each case, being the face of the tax, without interest and penalties or attorneys' fees.]

In this stipulation no reservation whatever is made of any right to appeal, or to prosecute the action further for the recovery of penalties and interest, nor is anything said tending to modify or qualify in any manner the effect of the judgment by consent. Upon the strength of this stipulation, and the consent of the Attorney-General, the Court set aside its former judgment, and ordered judgment to be entered in favor of the plaintiffs for the face of the taxes, without penalties or interest, stating that this was done in pursuance of said "stipulation in writing, signed by said attorneys of record respectively, filed in said cause as a part of the record thereof, and in pursuance of said consent in open Court."

On the fourth day of March, eighteen hundred and eighty-four, the Governor issued his proclamation, convening the Legislature in extra session.

On the eighth day of March, four days after the proclamation was issued, the remainder of said tax cases, pending in the Circuit Court, were disposed of in the same manner as the forty-one cases above referred to, except the few cases conceded by the Attorney-General to be under the personal control and supervision of Judge Rhodes and Mr. Delmas.

It was stated by one of the witnesses before the committee, that on said eighth day of March, eighteen hundred and eighty-four, he had seen an agreed bill of exceptions, which was made up between the Attorney-General and Mr. Haymond, and signed by the Circuit Judge.

In the bill of exceptions before us it is recited "that after the said judgment was ordered, the defendant being minded to pay, notwithstanding the fact that the tax had been declared invalid, the full amount of the said tax due, without penalty, interest, or counsel fees, and to leave the question of its liability for said penalty, interest, and counsel fees, to be finally determined by the Supreme Court of the United States in cases already pending there, or in this case, if appealed or taken there upon a writ of error, agreed for the purposes aforesaid that the judgment in its favor might be set aside and judgment in favor of plaintiff be entered for the full amount of said tax, less penalties, interest, and counsel fees, which was done. And be it further remembered, that before said judgment for defendant was set aside, and in open Court, it was stipulated and agreed by and between the attorneys for the plaintiff and defendant, that if said judgment was set aside and judgment for the plaintiff entered, as aforesaid, the said defendant should not be deemed to have admitted thereby the validity of the taxes claimed, or any part thereof; nor should said judgment be treated upon an appeal, or proceedings under writ of error, as a consent judgment, the defendant then and there expressly waiving that point, if point it was.

"And be it further remembered, that the object and purpose of the proceeding then had was to enable defendant to pay into the State and county treasuries, on account, the sum for which the judgment was rendered, without prejudice to the right of the plaintiff in the case to proceed for penalties, interest, and attorneys' fees claimed, and in order that the litigation might be brought to a speedy conclusion."

On the twenty-sixth day of March, eighteen hundred and eighty-four, this Assembly instructed its Judiciary Committee "to make an investigation into the matter of the entry of judgments in a number of the delinquent tax suits against the Central Pacific and other railroad companies, for less amounts than those claimed in the complaints in such cases," and report.

Three days after the adoption of this resolution, and while the subject was actually under investigation by this committee, a bill of exceptions for the first time made its appearance among the records of the United States Circuit Court.

This bill of exceptions only covered one of the cases above mentioned, to wit: the case of The County of San Bernardino vs. The Southern Pacific Railroad Company. No other bill of exceptions has ever been filed in any of said cases.

Of this bill of exceptions, we may remark that it appears to have been hastily and loosely drawn. To select an illustration: The tax involved in said case was the tax for the fiscal year eighteen hundred and eighty. The bill of exceptions sets out at length the proceedings had in the Legislature of eighteen hundred and eighty-one upon the passage of the Act entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, by adding thereto two new sections, to be known as sections three thousand six hundred and sixty-four and three thousand six hundred and sixty-five, relating to the assessment of the railroads and other property by the State Board of Equalization, for the purposes of taxation," which manifestly has no application to the tax sued for.

There are many other similar instances of looseness and carelessness in the preparation of said bill of exceptions.

It was stated by the Attorney-General, before the committee, that he had a written stipulation with the attorney for the defendants in all these cases, by which it was agreed that the decision in the case of The County of San Bernardino vs. The Southern Pacific Railroad Company should govern and control all the other cases.

The committee requested Mr. Marshall to produce such stipulation at its next meeting, which he promised to do, if it had not been lost or mislaid among his papers in the confusion of moving his office. At the appointed time Mr. Marshall appeared before the committee, and stated in substance that his son had gone to San Francisco to search for the stipulation last mentioned, and had failed to find it among his papers; that he had then gone to Mr. Haymond, and that Mr. Haymond informed him that such a stipulation had been agreed to between the Attorney-

General and himself, but had never been delivered to the Attorney-General; that Mr. Haymond thereupon drew up and signed a stipulation which, though executed by him, on or about the ninth of April, 1884, purports to be dated as follows: "Dated, March —, 1884." This stipulation as yet has not been signed by the Attorney-General, nor has it been filed.

This stipulation is to the following effect: That all actions, recently determined by the Circuit Court of the United States, "shall abide by and be governed by the final determination of the Supreme Court of the United States in the San Bernardino County case, and that neither party will treat any of the judgments entered in said causes as consent judgments. That, if necessary to avoid such treatment by the Supreme Court of the United States, the judgments in favor of the plaintiffs in each of said actions may, on motion of the plaintiff, be set aside, and judgments in each of the said cases in that event shall be entered nunc pro tunc of the date of the present judgment in favor of the defendants, according to the original decision of the Court, and to have the same force and effect, in all respects, as if such judgments had been so entered at such time."

Upon the foregoing statement of facts, and on a full examination of the whole subject-matter, the undersigned members of the committee report the following answers to the queries propounded by your honorable body:

Query 1. Whether, in the opinion of the committee, the State is entitled to recover penalties, interest, and counsel fees in those suits?

Answer. It was so entitled.

Query 2. Whether or not the Attorney-General had authority to waive the right to recover penalties, interest, or counsel fees, if that right existed?

Answer. He had not.

Query 3. Whether the Attorney-General, by stipulating that those judgments might be entered, waived the right of the State to recover penalties, interest, and counsel fees?

Answer. The Attorney-General, in so stipulating, did intend to waive the right of the State to recover penalties, interest, and counsel fees, and the stipulation was entered into by him for the express purpose of carrying out that intent. In point of law, however, the rights of the State to recover said penalties, interest, and counsel fees will be fully restored when the unauthorized acts of the Attorney-General are set aside and annulled by proper proceedings.

Query 4. Whether or not the question whether the State is entitled to recover penalties, interest, and counsel fees in those suits is open to review on appeal?

Answer. Not in the present condition of the record.

Query 5. Whether the conduct and management of the said suits, on the part of the Attorney-General, have been such as to best enforce and guard the rights of the State and the various counties to the full amount of tax, penalty, interest, and costs?

Answer. No; it has not.

Query 6. Whether, at any stage of said suits, he has countenanced the claim of the railroads to be released from all liability beyond the face of the said tax?

Answer. Yes; he has.

Query 7. Whether the present condition of said suits is such as to best insure a full hearing of the legal questions involved in said suits in the Supreme Court of the United States on writ of error?

Answer. The record in the San Bernardino case (the only case in which any steps looking to a writ of error have been taken), is not in such a condition as to best insure a full hearing of the legal questions involved in said suits in the Supreme Court.

Query 8. What further steps should be taken by the Attorney-General to bring about such hearing?

Answer. Steps to set aside all proceedings had therein to date, upon the various stipulations entered into between the Attorney-General and Mr. Haymond.

Query 9. Whether the status and condition of said suits have been in anywise altered by the Attorney-General from the date that stipulations for judgment were first entered into between the Attorney-General and the counsel for the railroad; and if so, when, and in what regards?

Answer. After judgment by consent had been entered on the twenty-ninth day of February, eighteen hundred and eighty-four, and the eighth day of March, eighteen hundred and eighty-four, a bill of exceptions, in the single case of the County of San Bernardino, was agreed upon between the Attorney-General and the attorney for the railroads, settled by the Court, and filed on the twenty-ninth day of March, eighteen hundred and eighty-four, by which an attempt is apparently made to procure a review on appeal of such case, but no writ of error in said cause has ever been sued out.

[Signed:]

IRWIN,  
BARRY,  
STORKE,  
YELL,  
McCLASKEY,  
WALLACE.



## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, April 29, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, Mr. Wharton moved that further reading of the Journal be dispensed with.

So ordered.

Journal of Monday approved.

## LEAVE OF ABSENCE.

Mr. Keeler was granted leave of absence for the morning session.

## SPECIAL ORDER.

Special order for this hour:

The further consideration of Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission.

The question being, on the final passage of the bill, Mr. Campbell moved the previous question.

The question being, shall the main question be now put, it was so ordered.

## CALL OF THE HOUSE.

Mr. Campbell moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol,

O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the final passage of the bill, the roll was called, and the bill passed by the following vote :

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Nicol, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—55.

**NOES**—Messrs. Barnes, Bayley, Booth, Brown, Cary, Culver, Cutter, Harvey, Healy, Hollister, Irwin, McKinley, Murphy, O'Connor, Rawle, Stewart, and Sweetland—17.

Title approved.

#### SPECIAL ORDER.

The special order for this hour :

The third reading of Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Wallace moved to amend, by striking out of section four, line forty-two, commencing with the word "provided," down to and including the words "preceding year," and inserting, instead, the following: "Provided that the cash value of a mortgage, deed of trust, contract, or obligation by which unpaid negotiable bonds are secured shall (not in any case exceeding the value of the property affected thereby) be taken to be not less than the average cash value of such bonds during the year next preceding the assessment."

Mr. Coleman moved that the further consideration of Assembly Bill No. 28 be passed on file, and that the amendment offered by Mr. Wallace be printed.

So ordered.

#### SECOND READING OF BILLS.

Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads.

Mr. Barry moved that the further consideration of Assembly Bill No. 47 be made a special order for two o'clock P. M.

So ordered.

#### RECESS.

At eleven o'clock and ten minutes A. M., on motion of Mr. Flynn, the House took a recess till two o'clock P. M.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

## SECOND READING OF BILLS (RESUMED)—SPECIAL ORDER.

The special order for this hour:

The further consideration of Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads.

Ordered read second time.

Read second time.

The substitute recommended by the Committee on Corporations for Assembly Bill No. 47 was then read.

The question being, on the adoption of the substitute recommended by the committee, the House adopted the same.

Mr. Farley moved to amend section twenty-six, by striking out the whole of subdivision one, on page two, from line thirteen to line twenty-two, both inclusive, and insert, instead, the following substitute:

1. On all railroads, or systems of railroads, including leased lines, having a gross annual income from all lines operated by them in this State of six thousand dollars or more per mile, a rate of one and sixty one hundredths cents per ton per mile for carload lots of the following articles, to wit: cereals, including wheat, barley, oats, corn and rye, flour and millstuffs, and also wood and lumber; a rate of two cents per ton per mile for carload lots of the following articles, to wit: live stock, hogs and sheep, beans, potatoes, salt, wool, beer, brandy, wine in bulk, fruits, dried and green, and all other agricultural products not above enumerated; also ores and railroad iron; and a rate of four cents per mile per ton for carload lots of all other articles, including mixed carload lots of all other articles, except those of an explosive or fragile nature.

Adopted.

Mr. Bibb moved to amend the substitute, by striking out the words "beans, potatoes," where they occur in the substitute, and insert them after the word "corn."

Adopted.

Mr. Campbell moved to amend the substitute, by striking out the word "four," after the word "of," and insert, in lieu thereof, the word "three."

Lost.

Mr. Atwell moved to amend, by adding to subdivision one of the substitute the following: Insert after the word "ton," in line twenty-two, page two, "provided that for all freights transmitted in less than carload lots a charge not to exceed twenty per cent in excess of carload rates may be charged and collected."

Lost.

Mr. Irwin moved to amend the substitute to subdivision one of section twenty-six, by striking out the words "a rate of one and sixty one hundredths," and insert the words, "a rate of two cents."

Lost.

Mr. Campbell moved to amend, by striking out of line twenty-six, subdivision two, the word "fifty," and insert the word "twenty-five."

Lost.

Mr. Atwell moved that Assembly Bill No. 47 be referred to the Committee on Corporations, with instructions to report back maximum rates for freight for less than carload lots, at their earliest convenience.

Adopted.

## REPORTS OF COMMITTEES.

### ON WAYS AND MEANS—MAJORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1884.

MR. SPEAKER: Your Committee on Ways and Means, at a meeting this day held, further considered Assembly Bills Nos. 55 and 56; whereupon it was recommended that Assembly Bill No. 56 be withdrawn, and that Assembly Bill No. 55 be recommended for passage, as amended.

CAMPBELL, Chairman.  
CRUMPTON,  
PARKER,  
TOWNSEND,  
FARLEY,  
HEALY,  
KEELER,  
BOWERS,

Majority of the Committee.

### MINORITY REPORT.

MR. SPEAKER: The undersigned, a minority of your Committee on Ways and Means, have been unable to agree with the majority of said committee as to Assembly Bill No. 55 and the amendments proposed thereto, and respectfully state their reasons for disagreement, as follows:

The bill, as introduced, omits from the law standing on our statutes the following, classed under the head of improvements: "All fruit, nut-bearing, or ornamental trees and vines not of natural growth." The object, therefore, is to class "fruit, nut-bearing, ornamental trees, and vines, not of natural growth," as real estate for the purposes of assessment and taxation. Section two, of article thirteen, of the Constitution of this State provides that "land, and the improvements thereon, shall be separately assessed." Are "fruit, nut-bearing, and ornamental trees, not of natural growth," improvements upon land? If so, then the omission of that classification from the statute would simply operate to exempt such property from taxation. They are not land, considered merely as soil. The land existed independently of them. They were placed thereon by the hand of man, and are therefore improvements thereon, just as much as a house or a fence is an improvement. We are speaking of the subject as defined in the Constitution for assessment purposes, and not as to what would pass under a deed of land. The fault is with the Constitution, and we cannot at this time interfere with section two, of article thirteen, because not embraced in the Governor's proclamation.

The amendment proposed by the majority of the committee is as follows: "Seventh—Growing crops shall include all products of the soil belonging to the vegetable kingdom not of natural growth." The object of this proposed amendment is to exempt from taxation all "fruit, nut-bearing, and ornamental trees, and vines not of natural growth;" because the proposed amendment is a declaration that those things shall be classed as "growing crops" for purposes of assessment and taxation. Section one, of article thirteen, provides that "growing crops \* \* \* shall be exempt from taxation." Are "fruit, nut-bearing, and ornamental trees, and vines not of natural growth," *growing crops* within the meaning of the Constitution? We think not. It seems to us that those words do not include the trees themselves, but only the fruit growing on those trees. Certainly, the tree is not the growing crop. The fruit is. It seems to us that horticulturists and vineyardists do not have crops of trees and vines, but only crops of fruits. If this be so, then it seems to us that the proposed amendment is clearly unconstitutional.

But the proposed amendment even goes further than to exempt "fruit, nut-bearing, and ornamental trees and vines not of natural growth" from taxation. It proposes to exempt their products from taxation. We do not believe the public demand any such legislation. We are not aware that the grain monopolists of this State are entitled to have their grain stored by the thousands of tons, exempted from taxation. We think they should be compelled to pay taxes as well as every one else. We do not believe they are of such immense value to the people that they should be the objects of philanthropic legislation.

We therefore respectfully disagree from the report of the majority of the committee.

F. E. JOHNSTON,  
JAS. J. FLYNN,  
A. G. BOOTH.

### PETITION.

By Mr. Storke: Relative to the levy of local licenses by Boards of Supervisors.

Referred to Committee on Ways and Means.

## LEAVE OF ABSENCE.

Messrs. Cary, Brown, and Wharton were granted leave of absence till Thursday, at two o'clock P. M.

Leave of absence was also granted to J. P. Martin, Assistant Sergeant-at-Arms.

## ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Storke, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, April 30, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Harvey was granted leave of absence.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, Mr. Carter moved that further reading of the Journal be dispensed with.

So ordered.

Journal of Tuesday approved.

## PETITIONS.

By Mr. Carter: Petition from citizens of Contra Costa County, praying for the passage of Assembly Bill No. 10, and other legislation.

Referred to Committee on Corporations.

By Mr. Clark: Petition from citizens of Colusa County, praying for the passage of Assembly Bill No. 10, and other legislation.

Referred to Committee on Corporations.

## RESOLUTION—(OUT OF ORDER).

By Mr. Wharton:

WHEREAS, It has repeatedly been asserted, by gentlemen on this floor, that members have been guilty of accepting bribes, and that others have been approached to secure their votes, on behalf of corporations; whereas, it is the duty of this House, if those allegations are true, that those guilty thereof be punished as the laws require and the dignity of this body imperatively demands; whereas, if, on the contrary, these charges have no foundation, it is due to those against whom they have been made, that the fact be publicly and officially declared; therefore, be it  
*Resolved*, That a committee of five be appointed by this House to investigate these charges, with full power to send for persons and papers.

Mr. Caminetti moved that the resolution be adopted.  
 So ordered.

## THIRD READING OF BILLS.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Wallace moved that further consideration of Assembly Bill No. 28 be postponed until to-morrow.

So ordered.

## SECOND READING OF BILLS.

Assembly Bill No. 49—An Act to propose an amendment to sections twenty-two and twenty-three, of article twelve, of the Constitution, relative to the Railroad Commissioners.

Ordered passed, and placed at the bottom of second reading file.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Mr. Murdock moved to postpone further consideration of Assembly Bill No. 36 till to-morrow, and that the amendments be printed.

Mr. Bibb moved to amend, by striking out of line eighteen, the word "eighty," and insert the word "ninety."

Mr. Terry moved that further consideration of Assembly Bill No. 36 be indefinitely postponed.

The ayes and noes being demanded by Messrs. Cutter, McClaskey, and O'Connor, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Callaghan, Culver, Hamilton, Kerrick, McKinley, Nicol, Plover, Rhie, Terry, and Wheelan—10.

NOES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Brown, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Martin, Matthews, McClaskey, McHale, Murdock, Murphy, O'Connor, Peterson, Rawle, Reeves, Ryan, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Wharton, Wheat, Yell, and Mr. Speaker—52.

The question then recurring on the motion of Mr. Murdock to postpone, it was adopted.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Ordered read second time.

Read second time.

Mr. Wharton moved to amend, by striking out all after the word "Board," in line seven, and insert, in lieu thereof, the words "during the last three days of the sitting of such Board as a Board of Equalization."

Adopted.

Assembly Bill No. 45 was then ordered engrossed, printed, and to third reading.

Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation, and the powers and duties of Assessors.

Ordered read second time.

Read second time.

The amendment recommended by the Committee on Ways and Means was adopted.

Mr. Barry moved to amend, by striking out lines twenty-seven, twenty-eight, and twenty-nine, on page two.

Adopted.

The bill was ordered engrossed, printed, and to third reading.

Assembly Bill No. 53—An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property.

Ordered read second time.

Read second time.

Ordered engrossed, and to third reading.

Assembly Bill No. 56—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation.

Withdrawn.

Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

Ordered read second time.

Read second time.

The amendment recommended by majority of the committee read.

Mr. Townsend moved to amend the amendment of committee, by inserting, after the word "soil," subdivision seven, the words "not detached therefrom."

Adopted.

The question then being on the adoption of the amendment recommended by the majority of the committee, as amended.

Pending the discussion of the amendment, Mr. Caminetti moved that further consideration of Assembly Bill No. 55 be postponed until two o'clock P. M.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Head was granted leave of absence until to-morrow.

#### REPORT OF COMMITTEE—{OUT OF ORDER}.

MR. SPEAKER: Your special committee appointed to consider Assembly Concurrent Resolution No. 15—Relative to the river appropriations made by the Congress of the United States for

the Pacific Coast and remaining unexpended"—have had the same under consideration, and deeming it advisable that immediate action be taken thereon, as the telegraphic news from Washington report action on the subject by a committee of the House of Representatives, now return the same back, with the recommendation that it be adopted, and be immediately transmitted to the Senate for action.

The committee reserve the privilege to make such further report and investigation of the subject-matter of the resolution as circumstances may require.

WM. M. CUTTER,  
A. CAMINETTI,  
C. S. STEPHENS,  
CHAS. H. MURDOCK,  
F. D. RYAN,  
Special Committee.

Adopted.

Mr. Caminetti moved that the House adopt Assembly Concurrent Resolution No. 15—Relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast and remaining now unexpended.

Adopted.

RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Wallace, the House took a recess till two o'clock P. M.

REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

SECOND READING OF BILLS—(RESUMED).

Consideration of the amendment offered to Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue, resumed.

The question being, on the adoption of the amendment recommended by the majority of the committee, as amended.

By consent of the House, Mr. Campbell was allowed to withdraw the committee amendment, as amended.

Mr. Wallace then offered the following amendment: Add to the second subdivision, on line thirteen, after the word "land," the following: "and all things attached thereto, and at the time growing thereon, other than products of the cereal or of the vegetable kingdom."

Lost.

Mr. Parker moved to amend, by striking out, after the word "sixth," in line thirty-one, all down to the word "the," in line thirty-three, and insert, in lieu thereof, as follows, to wit: "The term 'credits' means those solvent debts owing to the party assessed, not secured by mortgage or trust deed, and also the excess of those solvent debts owing to the party assessed, secured by mortgage or trust deed, over and above the value of the property by which such debts are secured."

Mr. McHale moved to amend, by striking out all of subdivision two, page two.

Mr. Hamilton moved to amend, by adding, after the word "thereof," in line forty of printed bill, the following:



"Seventh—The word 'moneys' includes gold and silver coin of the United States at its face value, and legal tender notes, bank notes, and foreign coin, at their value in United States gold coin."

Mr. Wallace moved to amend, by adding after the word "land," in line thirteen, the following: "And all trees and vines growing thereon."

Mr. Fleming moved that the further consideration of Assembly Bill No. 55 be postponed until to-morrow, at two o'clock P. M., and that the amendments be printed in the Journal.

So ordered.

Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of the State Government.

Ordered read second time.

Read second time.

#### IN COMMITTEE OF THE WHOLE.

On motion of Mr. Townsend, the House went into Committee of the Whole, for the purpose of considering Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of the State Government.

Speaker La Rue in the chair.

The bill was considered in Committee of the Whole.

#### IN ASSEMBLY.

Speaker La Rue in the chair.

#### REPORT OF THE COMMITTEE OF THE WHOLE.

The Speaker stated as follows:

GENTLEMEN OF THE ASSEMBLY: The Committee of the Whole have had under consideration Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of the State Government—and report the same back, and recommend its passage.

Mr. Campbell moved that the report of the Committee of the Whole be concurred in.

So ordered.

Mr. Terry moved that further consideration of Assembly Bill No. 57 be referred to the Judiciary Committee.

Lost.

Assembly Bill No. 57 was then ordered engrossed, and to third reading.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, April 30, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 15—Relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast and remaining now unexpended.

R. O. CRAVENS, Assistant Secretary.

## REPORT OF COMMITTEE.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed:

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation, and the powers and duties of Assessors.

Assembly Bill No. 53—An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property.

CALLAGHAN, Chairman.

## FIRST READING OF BILLS.

Assembly Bill No. 17—An Act to propose an amendment to section ten, of article thirteen, of the Constitution of the State of California, relative to the assessment of property.

Withdrawn.

Assembly Bill No. 25—An Act to propose an amendment to the Constitution of the State of California, in relation to the classification and regulation of railways.

Refused first reading.

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Ordered read first time.

Read first time, and ordered to second reading.

Assembly Concurrent Resolution No. 2—Relative to the removal of G. J. Carpenter and W. P. Humphreys, Railroad Commissioners, for the First and Second Districts, respectively.

Mr. Johnston moved the further consideration of Assembly Concurrent Resolution No. 2 be indefinitely postponed.

Lost.

Mr. Terry moved that Assembly Concurrent Resolution No. 2 be stricken from the file.

Mr. Barry moved that Assembly Concurrent Resolution No. 2 be referred to the Committee on Corporations, with instructions to report a substitute.

So ordered.

Assembly Bill No. 33—An Act to propose an amendment to sections four and ten of the Constitution, relative to the assessment of mortgages.

Passed on file.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Caminetti:

*Resolved*, That Assembly Concurrent Resolution No. 15 be immediately enrolled and transmitted to the Governor.

*Resolved, further*, That in addition to the request contained therein, that a copy thereof be transmitted to the persons therein named, the Governor of this State is hereby requested to telegraph said resolution to our delegation in Congress.

Adopted.

Mr. Barry moved that the discussion of the majority and minority reports of the Judiciary Committee on the resolutions introduced by Messrs. Crumpton and Farley, relative to the entry of judgments in a number of delinquent tax suits against the Central Pacific and other railroad companies for less amounts than those claimed in the complaints in said suits, be made a special order for Friday, immediately after the reading of the Journal.

Adopted.

#### ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Mr. Crumpton, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, May 1, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Briceland, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhig, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

#### LEAVE OF ABSENCE.

Mr. O'Connor was granted leave of absence till two o'clock P. M., Mr. Lewison for the day, and Mr. Harvey was granted indefinite leave of absence on account of sickness. Mr. Bowers was granted leave of absence.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, Mr. Clark moved that further reading be dispensed with.

So ordered.

Journal of Wednesday approved.

#### REPORTS OF COMMITTEES.

##### ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1884.

MR. SPEAKER: Your Committee on Corporations, to whom was referred substitute for Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution

of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, with the following amendment: Amend, by inserting after line thirty-two, on page two, of printed bill: "In no case shall the Board of Railroad Commissioners establish, nor shall any railroad operated in this State charge for broken carload lots, exceeding one hundred pounds in weight, a rate which shall exceed by more than one hundred per cent the rate established and charged for the same articles when shipped in carload lots."

BARRY, Chairman.

ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed:

"An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of State Government."

CALLAGHAN, Chairman.

# RESOLUTION—(OUT OF ORDER).

By Mr. Cutter:

*Resolved by the Assembly, the Senate concurring,* That the two Houses adjourn sine die at twelve o'clock (noon) of Saturday, May 10, 1884.

Referred to Committee on Ways and Means.

## THIRD READING OF BILLS.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Ordered passed on file.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Ordered passed temporarily on file.

Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation, and the powers and duties of Assessors.

Ordered read third time.

Read third time.

Mr. Johnston moved that further consideration of Assembly Bill No. 52 be temporarily passed.

So ordered.

Assembly Bill No. 53—An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the manner of the collection of taxes by the Assessor on certain personal property.

Ordered read third time.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Yell, and Mr. Speaker—61.

NOES—None.

Title approved.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 1, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 54—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

R. O. CRAVENS, Assistant Secretary.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Ordered read third time.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Bibb, Booth, Breckinridge, Callaghan, Caminetti, Campbell, Carter, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Sweetland, Townsend, Wharton, Wheat, and Mr. Speaker—54.

NOES—Messrs. Beard, Clark, Coleman, Granger, Hamilton, Healy, Parker, Storke, Terry, Wallace, Wheelan, and Yell—12.

Title approved.

Mr. Parker gave notice that he would, on to-morrow, move to reconsider the vote whereby the House passed Assembly Bill No. 45.

Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation and the powers and duties of Assessors.

The question being on the final passage of the bill, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Bowers, Breckinridge, Callaghan, Caminetti, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Yell, and Mr. Speaker—66.

NOES—None.

Title approved.

Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of the State Government.

Ordered read third time.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Beard, Bibb, Booth, Bowers, Breckinridge, Callaghan, Campbell, Carter, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Heath, Hershey, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, Parker, Peterson, Plover, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—55.

NOES—Messrs. Atwell, Barnes, Bayley, Caminetti, Coleman, Faw, Healy, Hollister, Irwin, Johnston, Rawle, and Stewart—12.

Title approved.

With the unanimous consent of the House, Mr. Johnston moved that the Speaker be authorized to appoint the special committee of five called for in the resolution introduced by Mr. Wharton yesterday.

So ordered.

#### APPOINTMENT OF COMMITTEE.

The speaker then appointed Messrs. Wharton, Clark, Barry, Yell, and Crumpton as the special committee to investigate certain charges of bribery.

Mr. Granger moved that the committee now appointed be made a standing committee of the Assembly upon bribery and corruption as affecting the due course of legislation in this House.

Referred to Committee on Rules.

The Speaker announced the appointment of Martin Devine, Gatekeeper, vice E. Escandon, resigned.

#### SECOND READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

The question being on Mr. Bibb's amendment, to strike out of line eighteen the word "eighty," and insert the word "ninety," it was adopted.

The question being on the adoption of the amendment under consideration, to amend by inserting, after the word "value," on line nineteen, page two, the following: "It shall be the duty of the Assessor, in person or by deputy, to visit each house and building in which personal property is to be found, whether such building be a dwelling house, business house, or other structure, and take an inventory in detail of each and every article of furniture, pictures, statuary, goods, or personal property of any kind found therein, and fix thereto and to each article of such personal property a separate valuation, according to the true and actual valuation thereof, and to carry the aggregate result thereof into the assessment roll for the purposes of taxation. For any violation of the provisions of this section the Assessor shall forfeit the sum of two thousand dollars, to be recovered from him and his bondsmen, by suit in the name of the people of the State of California, one half thereof to be paid into the Common School Fund and the other half to the informer."

Mr. Bibb moved to amend the amendment, by inserting, in line nineteen, after the word "value," the following: "The owner or owners of property, as hereinafter mentioned, shall, on or before the first Monday of March of each year, give to the Assessor, or one of his deputies, a sworn statement, in detail, of property such as is hereinafter mentioned, or failing to do so."

Mr. Wallace accepted the amendment.

The question being on the adoption of the amendment, as amended, Mr. McClaskey moved to postpone the further consideration of Assembly Bill No. 36 until two o'clock P. M.

Lost.

## RECESS.

At twelve o'clock and five minutes P. M., on motion of Mr. McClaskey, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

## LEAVE OF ABSENCE.

Mr. Brown was granted leave of absence till to-morrow; and Mr. Bowers was granted leave of absence for to-day and to-morrow.  
Cary Matthews, Page, was granted leave of absence.

## SPECIAL ORDER.

The special order for this hour:

The second reading of Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

Ordered passed temporarily on file.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

## CONSIDERATION OF AMENDMENTS PENDING.

Mr. Wallace, with the consent of the House, withdrew his amendment to Assembly Bill No. 36.

Mr. Parker moved to amend, by inserting, in line nineteen, after the word "value," the following: "It shall be the duty of the Assessor, in person or by deputy, to visit each house and building in which personal property is to be found, and take an inventory in detail of each and every article of personal property found therein exceeding in value the sum of one hundred dollars, and fix to each of said articles a separate valuation, and also to estimate and enter upon said inventory, in gross, the value of all other articles found therein, all according to the actual cash value, and the aggregate result of such valuation shall be carried into the assessment roll for the purposes of taxation. For any violation of the provisions of this section, the Assessor shall forfeit the sum of two thousand dollars, to be recovered from him and his bondsmen, by suit in the name of the people of the State of California, one half thereof to be paid to the Common School Fund and the other half to the informer."

Lost.

The question being, shall the bill be ordered engrossed, and to third

reading, the ayes and noes being demanded by Messrs. Matthews, Bibb, and Hall, the roll was called, and the House ordered the bill engrossed, and to third reading, by the following vote:

**AYES**—Messrs. Atwell, Barnes, Bayley, Bibb, Briceland, Caminetti, Campbell, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Fortna, Granger, Hershey, Hollister, Irwin, Johnston, McClaskey, Murdock, Rawle, Reeves, Sinon, Stewart, Storke, Sweetland, Weaver, Wheelan, Yell, and Mr. Speaker—33.

**NOES**—Messrs. Barry, Beard, Callaghan, Cary, Coleman, Culver, Field, Flynn, Gaussail, Hall, Hamilton, Healy, Heath, Hunter, Kerrick, Martin, Matthews, McDonald, McHale, McKinley, Murphy, Nicol, Parker, Peterson, Plover, Rhie, Stephens, Terry, Townsend, Wallace, and Wheat—31.

Consideration of Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue—resumed.

Mr. Parker moved to amend, by striking out, after the word "sixth" in line thirty-one, all down to the word "the," in line thirty-three, and insert, in lieu thereof, as follows, to wit: "The term 'credits' means those solvent debts owing to the party assessed, not secured by mortgage or trust deed, and also the excess of those solvent debts owing to the party assessed, secured by mortgage or trust deed, over and above the value of the property by which such debts are secured."

Adopted.

Mr. McHale moved to amend, by striking out all of subdivision two, page two.

Lost.

Mr. Hamilton withdrew the previous amendment offered by him, and moved the following, as a substitute: Add after the word "thereof," in line forty, the following: "*Seventh*—The word 'moneys' includes gold and silver coins of the United States, legal tender notes, bank notes, and silver deposit notes, at their face value; and foreign coins, gold and silver bars, and bullion, at their actual value in gold coin of the United States."

Mr. Irwin moved that further consideration of Mr. Hamilton's amendment be temporarily postponed.

So ordered.

Mr. Wallace moved to amend, by adding, after the word "land," in line thirteen, the following: "And all trees and vines growing thereon."

Mr. Granger moved to amend the amendment offered by Mr. Wallace, by adding, on line thirteen, page one, after the word "land," the words "with plant, shrub, tree, and vegetation thereon, not severed from the soil."

Mr. Hamilton moved to amend, by offering the following substitute to both amendments: Add, after the word "land," in line thirteen, printed bill, the following: "Including all timber, ornamental, fruit, or nut-bearing trees or vines, growing thereon. The value of which timber, ornamental, fruit, or nut-bearing trees or vines, must be considered in determining the assessable value of land."

With consent of the House, Mr. Granger withdrew his amendment to the amendment of Mr. Wallace.

The question then being on the adoption of the substitute offered by Mr. Hamilton, the House then adopted the same.

Mr. Campbell moved to amend the substitute, as follows: Strike



out all after the word "thereon," and insert the following: "Including all timber, ornamental, fruit, or nut-bearing trees or vines, growing thereon; which shall be considered in determining the value thereof."

Lost.

The House then resumed consideration of the amendment offered by Mr. Hamilton, relative to the definition of the term "moneys," in subdivision seven, and adopted the same.

Mr. Booth moved to amend the amendment by striking out the words "and legal tender notes."

Adopted.

Mr. Terry moved to amend the amendment by striking out the words "silver deposit notes."

Lost.

The question then being, shall Assembly Bill No. 55 be ordered engrossed, printed, and to third reading, the ayes and noes were demanded by Messrs. Matthews, Flynn, and Yell.

The roll was called, and the bill ordered engrossed, printed, and to third reading, by the following vote:

**AYES**—Messrs. Atwell, Barnes, Bayley, Booth, Caminetti, Campbell, Carter, Cary, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Granger, Hamilton, Heath, Hollister, Hunter, Irwin, Johnston, Kerrick, Martin, McClaskey, Murdock, Parker, Rawle, Reeves, Rhie, Stephens, Townsend, Wallace, Wharton, and Mr. Speaker—35.

**NOES**—Messrs. Barry, Beard, Breckinridge, Callaghan, Clark, Coleman, Coombs, Fleming, Flynn, Fortna, Hershey, Matthews, McDonald, McHale, McKinley, Nicol, Peterson, Plover, Ryan, Storke, Sweetland, Terry, Weaver, Wheat, and Yell—25.

## REPORT OF COMMITTEE.

### ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1884.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled:

Assembly Bill No. 54—Entitled "An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year"—have examined the same, and found it to be correctly enrolled, and was presented to the Governor for his approval at two o'clock and forty minutes P. M., May 1, 1884.

Also, Assembly Concurrent Resolution No. 15—Relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast, and remaining now unexpended—was presented to the Governor at same time as above mentioned bill.

SWEETLAND, Chairman.

### RESOLUTION—(OUT OF ORDER).

By Mr. Cutter:

*Resolved*, That the Secretary of State be and he is hereby requested to furnish no more stationery to members of the Assembly, and to deliver to the Controller a statement of the aggregate amount furnished each member to date.

Adopted.

### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Farley: Assembly Concurrent Resolution No. 16—Relative to making the Courts of record of the States Courts for the hearing and trials of bankruptcy cases.

Referred to Judiciary Committee.

## ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Heath, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, May 2, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Bibb, Booth, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

## LEAVE OF ABSENCE.

The Chaplain was granted leave of absence for the day.

Messrs. Lewison, Murphy, and Hollister were granted leave of absence until Monday, at two o'clock P. M.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, Mr. Reeves moved that further reading be dispensed with.

So ordered.

Journal of Thursday approved.

## REPORT OF COMMITTEE.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed:

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

CALLAGHAN, Chairman.

## SPECIAL ORDER.

The special order for this hour:

The consideration of the majority and minority reports of the Judiciary Committee on Assembly Resolution No. ——Relative to

the entry of judgments in a number of delinquent tax suits against the Central Pacific and other railroad companies for less amounts than those claimed in the complaints in said suits, introduced by Mr. Farley.

Also, Assembly Resolution No. — —Relative to the conduct and management of above suits on the part of the Attorney-General, and to the status and condition of said suits, introduced by Mr. Crumpton.

Mr. Atwell moved that the minority report of the Judiciary Committee be adopted.

#### POINT OF ORDER.

Mr. Nicol raised a point of order, on the ground that these resolutions having been adopted by the House, there was nothing before it either for adoption or rejection; that the House has nothing to do with the answers given by the committee.

Mr. Atwell withdrew his motion to adopt the minority report of the Judiciary Committee.

#### RESOLUTION.

By Mr. Storke:

WHEREAS, There are now pending in the Circuit Court of the United States, for the Ninth District, a large number of suits for the recovery of delinquent taxes due to the State, and to various counties of the State of California, from certain railroad corporations, and which are commonly known as the "railroad tax cases;" and whereas, the Attorney-General has entered into certain stipulations with counsel for defendants in said suits, whereby the decision of the Supreme Court of the United States, in a test case numbered No. 2829, and known as the San Bernardino case, shall govern and be binding upon all of said cases now pending in or on appeal from said Circuit Court; and whereas, in the conduct and management of said test case and others of said suits, the Attorney-General exceeded his authority; and whereas, the status of said litigation, by reason of certain unauthorized acts on the part of said Attorney-General, make it doubtful whether the rights of the State were preserved as to the recovery of the full amount prayed for in the complaints in said actions, for taxes, penalties, interests, costs, and counsel fees; therefore, be it

*Resolved*, That a special committee of five be appointed by the Speaker to prepare and report to this House an Act or bill, which shall provide for vesting in the Controller of State the power to control and to employ counsel in said suits, and in all other suits now pending or which may hereafter be brought for the collection of taxes delinquent to the State of California.

Mr. Storke moved that the resolution be printed, and the further consideration of the entire subject-matter be made a special order for Monday, at two o'clock P. M.

So ordered.

#### PETITIONS.

By Mr. Wallace: Petition from certain citizens of Elmira, Solano County, praying for the passage of Assembly Bill No. 10, and other legislation.

Referred to Committee on Ways and Means.

By Mr. Bayley: Petition from certain citizens of El Dorado County, praying for the passage of Assembly Bill No. 10, and other legislation.

Referred to Committee on Ways and Means.

By Mr. Barry: Petition from certain citizens of Placer County, praying for the passage of Assembly Bill No. 10, and other legislation.

Referred to Committee on Ways and Means.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Cutter:

*Resolved*, That the Controller be and he is hereby directed to draw his warrants on the Contingent Fund of the Assembly in favor of each member for the balance of the twenty-five

dollars heretofore allowed for contingent expenses remaining after deducting stationery furnished by the Secretary of State.

Mr. Murdock moved to refer the resolution to the Committee on Public Expenditures and Accounts.

Lost.

Mr. Barry moved to amend the resolution, by striking out "twenty-five dollars" and inserting, in lieu thereof, "fifteen dollars."

Lost.

The question then being on the adoption of the resolution, the House adopted the same.

### THIRD READING OF BILLS.

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Coleman moved, as a substitute to the amendment offered by Mr. Wallace, the following: Strike out all after the word "thereby," in line forty-two, page three, down to and including the word "assessment," in line forty-six, and insert, instead, the following: "*Provided*, that the cash value of a mortgage, deed of trust, contract, or other obligation, by which unpaid negotiable bonds are secured, shall be taken to be not less than the average cash value of such bonds during the year next preceding assessment, unless such cash value exceeds the value of the property by which the bonds are secured, in which case it may be reduced to the value of such property."

Mr. Johnston moved that Assembly Bill No. 28 be recommitted to a special committee of one, consisting of Mr. Coleman, to amend the same in accordance with the amendment of Mr. Coleman, and report the same back to the House.

So ordered.

### REPORT OF SPECIAL COMMITTEE.

Mr. Coleman reported as follows:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1884.

MR. SPEAKER: Your special committee of one to whom was referred Assembly Bill No. 28—have had the same under consideration, and now report the same back, amended in accordance with the instructions of the House, and recommend its passage.

Mr. Barry moved that the report of the committee be concurred in. Adopted.

Mr. Flynn moved that Assembly Bill No. 28 be engrossed, printed, and made a special order for Tuesday next, immediately after the reading of the Journal.

So ordered.

### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 2, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 10—"An Act to prevent discriminations and abuses by railroad corporations," as amended in Senate.

R. O. CRAVENS, Assistant Secretary.

Mr. Brown moved to take up for consideration the Senate message.

Lost.

## BILL ON PASSAGE.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Mr. Parker, pursuant to notice, moved to reconsider the vote whereby the House passed Assembly Bill No. 45.

So ordered.

Mr. Wharton moved to amend, by striking out of section one, lines seven and eight, the words "during the last three days of the sitting of such Board as a Board of Equalization," and inserting, instead, the following: "during the three days next prior to the fourth Monday in July."

Mr. Wharton moved that Assembly Bill No. 45 be recommitted to a committee of one, with instructions to amend the same in accordance with the amendment of Mr. Wharton.

So ordered.

The Chair then appointed Mr. Wharton a special committee of one, to amend Assembly Bill No. 45.

## REPORT OF SPECIAL COMMITTEE.

Mr. Wharton reported as follows:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1884.

MR. SPEAKER: Your special committee of one to whom was referred Assembly Bill No. 45, have had the same under consideration, and now report the same back, amended in accordance with the instructions of the House, and recommend its passage.

The House concurred in the report of the special committee.

The bill was ordered engrossed and printed.

## THIRD READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Ordered passed on file.

Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

Mr. Terry moved to refer the bill to a special committee of one, with instructions to amend the same by striking out lines forty-six to forty-nine, inclusive, and insert, instead, the following: "*Seventh*—The word 'money' includes gold and silver coin of the United States, and bank notes, and foreign coins."

Adopted.

The Chair then appointed Mr. Terry a special committee of one to amend Assembly Bill No. 55.

## REPORT OF SPECIAL COMMITTEE.

Mr. Terry reported as follows:

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1884.

MR. SPEAKER: Your special committee of one to whom was referred Assembly Bill No. 55, have had the same under consideration, and now report the same back, amended in accordance with the instructions of the House, and recommend its passage.

The House concurred in the report of the committee.

Mr. Campbell moved that the bill be ordered engrossed and printed, and that the further consideration of Assembly Bill No. 55 be made a special order for Tuesday next, immediately after the consideration of the special order previously set for that day.

So ordered.

## LEAVE OF ABSENCE.

Messrs. Caminetti, Farley, and Rhiei were granted leave of absence until Monday, at two o'clock and thirty minutes P. M.

## RESOLUTION—(OUT OF ORDER).

By Mr. Head:

*Resolved*, That it having come to the knowledge of this House that the absence of the Hon. A. B. Moffitt of Los Angeles is in consequence of protracted illness, we hereby express our heartfelt sympathy for him in his afflictions, and earnestly hope for his early recovery.

Adopted.

## SECOND READING OF BILLS.

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Ordered passed on file.

Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads.

Mr. Barry moved to adopt the amendment recommended by the Committee on Corporations.

Adopted.

Mr. Barry moved to amend, by striking out the word "of," in the beginning of line twenty-six.

Adopted.

Mr. Barry moved that the bill be ordered engrossed, printed, and to third reading; that it be made a special order for Tuesday next, immediately following other special orders set for that day.

So ordered.

Mr. Coleman moved that when the House adjourns to-day, it adjourns to meet on Monday next, at two o'clock P. M.

The ayes and noes being demanded by Messrs. Carter, Reeves, and Healy, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Barnes, Barry, Bibb, Booth, Breckinridge, Brown, Callaghan, Campbell, Cary, Coleman, Coombs, Culver, Cutter, Doty, Faw, Fleming, Flynn, Fortna, Gaussail, Hall, Healy,

Heath, Hershey, Hunter, Keeler, McClaskey, McDonald, Murdock, Nicol, O'Connor, Plover, Rawle, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheelan, and Mr. Speaker—45.

NOES—Messrs. Bayley, Beard, Carter, Clark, Crumpton, Field, Granger, Hamilton, Johnston, Kerrick, Martin, Matthews, McHale, McKinley, Parker, Peterson, Reeves, Wheat, and Yell—19.

#### FIRST READING OF BILLS.

Assembly Bill No. 33—An Act to propose an amendment to sections four and ten of the Constitution, relative to the assessment of mortgages. (Identical with Senate Bill No. 5.)

Ordered passed on file.

#### ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., on motion of Mr. Murdock, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, May 5, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Doty, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Head, Healy, Heath, Hunter, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Parker, Plover, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Townsend, Wallace, Walrath, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

The Chaplain being absent, prayer was omitted.

#### LEAVE OF ABSENCE.

Messrs. Wharton, Bibb, Nicol, Lewison, Keeler, Peterson, Irwin, Gaussail, Atwell, Ryan, Campbell, Hollister, Farley, and Terry, were granted leave of absence.

Master Jobson, Page, was also granted leave of absence for the day.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, Mr. Matthews moved that further reading be dispensed with.

So ordered.

Journal of Friday approved.

#### SPECIAL ORDER.

The special order for this hour, the consideration of the following Assembly resolutions:

Assembly Resolution No. — —Relative to the entry of judgment in a number of delinquent tax suits against the Central Pacific and other railroad companies for less amounts than those claimed in the complaints in said suits.

Assembly Resolution No. — —Relative to the conduct and management of above suits on the part of the Attorney-General, and to the status and condition of said suits.

Assembly Resolution No. — —Relative to appointing a special committee to prepare a bill in relation to the collection of delinquent taxes.

Mr. Storke moved that further consideration of the Assembly resolutions in question be postponed, and made a special order for Tuesday, at two o'clock P. M.

So ordered.

#### REPORT OF COMMITTEE.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bill has been correctly engrossed: Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

CALLAGHAN, Chairman.

#### BILLS ON PASSAGE.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

Mr. Storke moved that the consideration of Assembly Bill No. 45 be passed on file.

So ordered.

#### THIRD READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Ordered passed on file.

#### SECOND READING OF BILLS.

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Mr. Granger moved that consideration of Assembly Bill No. 51 be passed on file.

So ordered.

Assembly Bill No. 10—An Act to prevent discrimination and abuses by railroad corporations.

Mr. Barry moved that consideration of Assembly Bill No. 10 be passed on file.

The ayes and noes being demanded by Messrs. Cutter, Walrath, and Healy, the roll was called, and the motion adopted by the following vote:



**AYES**—Messrs. Barry, Beard, Bowers, Breckinridge, Callaghan, Carter, Cary, Coombs, Crumpton, Doty, Faw, Field, Fleming, Flynn, Fortna, Granger, Hall, Hamilton, Healy, Heath, Hunter, Johnston, Martin, Matthews, McDonald, McHale, Murdock, Parker, Plover, Reeves, Sinon, Stewart, Storke, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—39.

**NOES**—Messrs. Barnes, Bayley, Booth, Briceland, Brown, Culver, Cutter, Head, McKinley, Sweetland, and Walrath—11.

#### FIRST READING OF BILLS.

Assembly Bill No. 33—An Act to propose an amendment to sections four and ten of the Constitution, relative to the assessment of mortgages. (Identical with Senate Bill No. 5.)

Ordered read first time.

Read first time, and ordered to second reading.

#### INTRODUCTION OF BILL.

By Mr. Johnston: Assembly Bill No. 60—An Act to authorize the payment of certain moneys, now in the hands of the Attorney-General, into the State Treasury, and into certain county treasuries.

Referred to Judiciary Committee.

#### ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Brown, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, May 6, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

#### LEAVE OF ABSENCE.

The Chaplain was granted leave of absence for the week.

Messrs. Nicol, Lewison, and Hollister were granted indefinite leave of absence.

Mr. O'Connor was granted leave of absence for the day.

Master Willie Jobson, Page, was granted indefinite leave of absence.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, Mr. Peterson moved that further reading of the Journal be dispensed with.

So ordered.  
Journal of Monday approved.

#### INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Cutter: Assembly Bill No. 61—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the support of the Government of the State.

Referred to Committee on Ways and Means.

#### PETITION—(OUT OF ORDER).

By Mr. Hunter: Petition from citizens of Santa Clara County, praying for the passage of Assembly Bill No. 10, and other legislation.

Referred to Committee on Ways and Means.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 31—Entitled "An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization in reference thereto."

Also, Assembly Bill No. 35—Entitled "An Act to provide for the collection of revenue."

Also, Assembly Bill No. 40—Entitled "An Act to amend section three thousand seven hundred and seventy-three of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of property for taxes."

Also, Assembly Resolution (Cutter)—"Relative to the adjournment of the two Houses sine die."

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

CAMPBELL, Chairman.

#### SPECIAL ORDER.

The special order for this hour:

The further consideration of Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Ordered read third time.

Read third time.

#### A CALL OF THE HOUSE.

Mr. Flynn moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Flynn moved that the Sergeant-at-Arms be instructed to bring before the bar of the House all members absent without leave.

So ordered.

Mr. Sweetland was brought before the bar of the House and excused.

Mr. Flynn moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the final passage of Assembly Bill No. 28, the roll was called, and the bill refused passage by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bibb, Breckinridge, Briceland, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Kerriek, Martin, Matthews, McClaskey, McDonald, McHale, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—52.

**NOES**—Messrs. Barnes, Bayley, Booth, Bowers, Brown, Caminetti, Culver, Cutter, Healy, Johnston, Keeler, McKinley, Murdock, Murphy, Rawle, Ryan, Stewart, Sweetland, Walrath, and Wharton—20.

Mr. Farley gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused passage to Assembly Bill No. 28.

Mr. Murdock gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused passage to Assembly Bill No. 28.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 6, 1884.

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate, on May second, passed Assembly Concurrent Resolution No. 12—Relative to the removal of causes pending in the Courts of the State of California to the Federal Courts of the United States.

And refused passage to Assembly Concurrent Resolution No. 4—Relative to the creation of a Federal Commission of Marine Transportation.

Also, on May fifth, passed Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

And, Assembly Concurrent Resolution No. 9—Relative to the location of the eastern boundary line of the State of California.

Also, Senate Concurrent Resolution No. 3—Relative to a bill, now pending before Congress, to organize the Territory of Alaska.

EDWIN F. SMITH, Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Concurrent Resolution No. 12 referred to Committee on Enrollment.

Assembly Bill No. 41 referred to Committee on Enrollment.

Also, Senate Concurrent Resolution No. 9 referred to Committee on Enrollment.

Senate Concurrent Resolution No. 3 referred to Committee on Federal Relations.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, }  
SACRAMENTO, May 6, 1884. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 54—An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year.

GEORGE STONEMAN, Governor.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

## ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1884.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 3—Relative to a bill now pending in Congress, providing a territorial government for Alaska—and now beg leave to report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed:

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

CALLAGHAN, Chairman.

## SPECIAL ORDER.

The special order for this hour:

The further consideration of Assembly Bill No. 55—An Act to amend section three thousand six hundred and seventeen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue.

Ordered read third time.

Read third time.

## PETITIONS.

By Mr. Townsend: Petition from the Horticultural Society of Santa Clara County, requesting the delegation from that county to oppose the passage of Assembly Bill No. 55.

By Mr. Barnes: Petition from citizens of Solano County, praying for the passage of Assembly Bill No. 55.

## CALL OF THE HOUSE.

Mr. Carter moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhinel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. McClaskey moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the final passage of Assembly Bill No. 55, the roll was called, and bill refused passage by the following vote:

**AYES**—Messrs. Atwell, Barnes, Booth, Brown, Caminetti, Campbell, Carter, Cary, Crumpton, Cutter, Doty, Farley, Faw, Field, Hamilton, Head, Healy, Heath, Hershey, Johnston, Kerrick, Martin, McKinley, Murdock, Parker, Reeves, Ryan, Stephens, Sweetland, Wallace, Walrath, Weaver, and Wharton—33.

**NOES**—Messrs. Barry, Bayley, Beard, Bowers, Breckinridge, Briceland, Callaghan, Clark, Coleman, Coombs, Culver, Fleming, Flynn, Fortna, Gaussail, Hall, Hunter, Irwin, Keeler, Matthews, McClaskey, McDonald, McHale, Murphy, Peterson, Plover, Rawle, Rhiel, Sinon, Stewart, Storke, Terry, Townsend, Wheat, Wheelan, Yell, and Mr. Speaker—37.

Mr. Heath moved that Senate Concurrent Resolution No. 3, relative to a bill now pending in Congress, providing a territorial form of government for Alaska, be taken up for consideration.

So ordered.

On motion of Mr. Heath, the resolution was adopted.

#### RECESS.

At twelve o'clock and fifteen minutes P. M., Mr. Cutter moved that the House take a recess until seven o'clock and thirty minutes P. M.  
Lost.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Kerrick, the House took a recess until two o'clock P. M.

#### REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

#### SPECIAL ORDER.

The special order for this hour:

The consideration of Assembly Resolution No. — —Relative to the entry of judgments in a number of delinquent tax suits against the Central Pacific and other railroad companies, for less amounts than those claimed in the complaints in said suits.

Also, Assembly Resolution No. — —Relative to the conduct and management of above suits on the part of the Attorney-General, and to the status and condition of said suits.

Also, Assembly Resolution No. — —Relative to appointing a special committee to prepare a bill in relation to the collection of delinquent taxes.

Mr. Johnston moved that the special order set for two o'clock P. M. be temporarily postponed, and that the House proceed with the further consideration of Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads.

So ordered.

Assembly Bill No. 47 ordered read third time.

Read third time.

Mr. Barry moved to refer Assembly Bill No. 47 to a special committee of one, with instructions to amend as follows: Strike out of section one, line thirty-four, all after the word "specified," down to and including the word "lots," in line thirty-nine.

Adopted.

The Speaker appointed Mr. Barry as a special committee of one, to amend Assembly Bill No. 47, as instructed by the House.

## REPORT OF SPECIAL COMMITTEE.

Mr. Barry reported as follows:

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1884.

MR. SPEAKER: Your special committee of one to whom was referred Assembly Bill No. 47, have had the same under consideration, and now report the same back, amended in accordance with the instructions of the House, and recommend its passage, as amended.

The House concurred in the report of the committee.  
Speaker pro tem. Campbell in the chair.

## LEAVE OF ABSENCE.

Mr. McKinley was granted leave of absence for the day.

## CALL OF THE HOUSE.

Mr. Barry moved a call of the House.  
So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Barry moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the passage of Assembly Bill No. 47, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—58.

NOES—Messrs. Brown, Culver, Keeler, Murdock, Ryan, Stewart, Sweetland, and Walrath—8.

Title approved.

## SPECIAL ORDER.

Consideration of the special order set for two o'clock P. M., resumed:  
Assembly Resolution No. — —Relative to the entry of judgments in a number of delinquent tax suits against the Central Pacific and other railroad companies for less amounts than those claimed in the complaints in said suits.

Also, Assembly Resolution No. — —Relative to the conduct and management of above suits on the part of the Attorney-General, and to the status and condition of said suits.

Also, Assembly Resolution No. — —Relative to appointing a

special committee to prepare a bill in relation to the collection of delinquent taxes.

Speaker La Rue in the chair.

Mr. Atwell moved that the whole subject-matter be indefinitely postponed.

Upon the request of Mr. Storke, the majority and minority reports of the Judiciary Committee, with reference to the resolutions under discussion, were read.

By consent of the House, Mr. Atwell withdrew his motion to indefinitely postpone the consideration of the whole subject-matter.

Mr. Atwell moved that the minority report of the Judiciary Committee be concurred in.

Mr. Breckinridge moved that the further consideration of the whole subject-matter be made a special order for to-morrow, immediately after the reading of the Journal.

So ordered.

#### ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Breckinridge, the House adjourned.

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#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Wednesday, May 7, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names :

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

The Chaplain being absent, prayer was omitted.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Tuesday, Mr. Peterson moved that further reading be dispensed with.

Lost.

#### READING OF THE JOURNAL RESUMED.

Mr. Campbell moved that further reading of the Journal be dispensed with.

So ordered.

Journal of Tuesday approved.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 61—Entitled "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the support of the government of the State"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

## ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1884.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 59—Introduced by Mr. Farley, and entitled "An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-seven, in relation to the establishment of maximum rates of charges for transportation of passengers and freight on railroads"—have had the same under consideration, and respectfully report the same back, without recommendation.

GRANGER, Chairman.

Mr. Cutter moved that the special order set for this hour be temporarily postponed, and that the House proceed to consider Assembly Bill No. 61, on first reading.

So ordered.

## FIRST READING OF BILLS.

Assembly Bill No. 61—An Act to regulate the vocation of fishing, and to provide therefrom revenue for the support of the government of the State.

Ordered read first time.

Read first time.

## SPECIAL ORDER.

The special order being, the further consideration of Assembly Resolution No. — —Relative to the entry of judgments in a number of delinquent tax suits against the Central Pacific and other railroad companies for less amounts than those claimed in the complaints in said suits.

Also, Assembly Resolution No. — —Relative to the conduct and management of above suits on the part of the Attorney-General, and to the status and condition of said suits.

Also, Assembly Resolution No. — —Relative to appointing a special committee to prepare a bill in relation to the collection of delinquent taxes.

The question being, on the motion of Mr. Atwell to adopt the minority report of the Judiciary Committee,

## RECESS.

Pending discussion upon the adoption of the minority report, the hour of twelve o'clock and thirty minutes having arrived, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.



Mr. Farley moved that the special order under consideration be temporarily postponed.

So ordered.

Mr. Sweetland, at two o'clock and five minutes P. M., moved to adjourn.

The ayes and noes being demanded by Messrs. Rhiel, Doty, and Sweetland, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Booth, Brown, Caminetti, Cary, Culver, Cutter, Healy, Johnston, McClaskey, Murphy, O'Connor, Stewart, Sweetland, Terry, Walrath, and Wharton—17.

NOES—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Keeler, Kerrick, Martin, Matthews, McHale, McKinley, Murdock, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—48.

Mr. Farley moved, pursuant to notice, that the vote whereby the House refused to pass Assembly Bill No. 28 be reconsidered.

#### POINT OF ORDER.

Mr. Murdock raised the point of order, that it was not in order to again reconsider the vote, as it had once been reconsidered.

The Speaker decided the point of order not well taken.

The question being upon the motion to reconsider the vote, whereby the House refused to pass Assembly Bill No. 28, the ayes and noes being demanded by Messrs. Cutter, Murdock, and Yell, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McHale, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—48.

NOES—Messrs. Barnes, Bayley, Booth, Bowers, Brown, Caminetti, Cary, Culver, Cutter, Faw, Healy, Johnston, Keeler, Lewison, McKinley, Murdock, Murphy, O'Connor, Rawle, Ryan, Stewart, and Wharton—22.

Mr. Farley moved that further consideration of Assembly Bill No. 28 be made a special order for Friday morning, immediately after the reading of the Journal.

Mr. Atwell moved a call of the House.

Lost.

The question recurring on the motion of Mr. Farley to make the consideration of Assembly Bill No. 28 a special order, the ayes and noes being demanded by Messrs. Caminetti, Cutter, and Brown, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McHale, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Terry, Townsend, Wallace, Wheat, Wheelan, Yell, and Mr. Speaker—47.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Cary, Culver, Cutter, Healy, Johnston, Keeler, Lewison, McKinley, Murdock, Murphy, O'Connor, Rawle, Ryan, Stewart, Weaver, and Wharton—21.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following substitute for Assembly Bill No. 47 has been correctly engrossed: Entitled "An Act to propose an

amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads."

C. S. STEPHENS, for Committee.

ON ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1884.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that the following Assembly Bill has been correctly enrolled:

Assembly Bill No. 41—Entitled "An Act to provide for funding the indebtedness of counties in certain cases."

Also, Assembly Concurrent Resolution No. 9—Relative to the location of the eastern boundary line of the State of California.

Also, Assembly Concurrent Resolution No. 12—Relative to the removal of causes pending in the Courts of the State of California to the Federal Courts of the United States.

The above bill and resolutions have been examined, and found correctly enrolled, and the same were placed in the hands of the Governor at eleven o'clock A. M., May 7, 1884.

SWEETLAND, Chairman.

CONSIDERATION OF THE SPECIAL ORDER—(RESUMED).

The question being upon the motion of Mr. Atwell to adopt the minority report of the Judiciary Committee, Mr. Cutter moved that the whole subject-matter be laid on the table.

The ayes and noes being demanded by Messrs. Atwell, Clark, and Cutter, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Cary, Coleman, Crumpton, Culver, Cutter, Faw, Granger, Hamilton, Heath, Johnston, Keeler, Kerrick, Lewison, McKinley, Murdock, Murphy, Rawle, Reeves, Stewart, Terry, Weaver, and Wharton—27.

NOES—Messrs. Atwell, Barry, Beard, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coombs, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Head, Healy, Hershey, Hunter, Irwin, Martin, Matthews, McClaskey, McHale, O'Connor, Parker, Peterson, Plover, Rhiel, Ryan, Sinon, Stephens, Storke, Townsend, Wallace, Wheat, Wheelan, Yell, and Mr. Speaker—42.

Speaker pro tem. Campbell in the chair.

The question recurring on the motion to adopt the minority report of the Judiciary Committee.

PREVIOUS QUESTION.

Mr. Storke moved the previous question.

So ordered.

The question being, shall the main question now be put, it was so ordered.

CALL OF THE HOUSE.

Mr. Storke moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Ryan, Sinon, Stephens, Stewart, Storke, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Storke moved that further proceedings under the call of the House be dispensed with.

So ordered.

At five o'clock and thirty minutes, Mr. Brown moved that the House adjourn.

Lost.

The question recurring on the motion of Mr. Atwell to adopt the minority report of the Judiciary Committee, the ayes and noes being demanded by Messrs. Storke, Atwell, and Brown, the roll was called, and the motion adopted by the following vote :

AYES—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Head, Healy, Heath, Hershey, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McHale, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Storke, Townsend, Wallace, Wheat, Wheelan, Yell, and Mr. Speaker—47.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Culver, Cutter, Faw, Hamilton, Johnston, Lewison, McKinley, Murdock, Murphy, Rawle, Ryan, and Stewart—16.

#### ADJOURNMENT.

At five o'clock and forty minutes P. M., on motion of Mr. Yell, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Thursday, May 8, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Owing to the absence of the Chaplain, prayer was omitted.

#### LEAVE OF ABSENCE.

Messrs. Faw and Ryan were granted leave of absence for the day, and Mr. Kerrick was granted leave of absence for the morning session.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Wednesday, Mr. Brown moved that further reading be dispensed with.

So ordered.

Journal of Wednesday approved.

## REPORT OF STANDING COMMITTEE.

## ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 58—Entitled “An Act to repeal section three thousand seven hundred and forty-eight of an Act entitled ‘An Act to establish a Political Code,’ approved March 12, 1872, in relation to the collection of property taxes”—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CAMPBELL, Chairman.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Keeler:

*Resolved*, That the State Printer be requested to deliver to the Sergeant-at-Arms the Third Annual Report of the State Mineralogist, for distribution among the members of the House.

Adopted.

By Mr. Granger:

WHEREAS, The Assembly on yesterday adopted the report of the minority of the Judiciary Committee, answering certain questions contained in the resolutions submitted to said committee by the Assembly, on March 26, 1884, and said minority report now stands as the sense of this House; therefore, be it

*Resolved*, That the Assembly disclaims, by its adoption of said report, all intention of imputing motives of corruption or personal dishonesty in the Attorney-General, in his official action in the matters mentioned in said reports.

Mr. Hershey moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Johnston, Barry, and Healy, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Carter, Clark, Coombs, Doty, Field, Flynn, Fortna, Gaussail, Hall, Head, Hershey, Hunter, Keeler, Martin, McClaskey, McHale, McKinley, Peterson, Plover, Rhel, Sinon, Stephens, Wheat, Wheelan, and Yell—32.

NOES—Messrs. Brown, Caminetti, Cary, Crumpton, Culver, Cutter, Farley, Fleming, Granger, Hamilton, Healy, Heath, Hollister, Irwin, Lewison, Matthews, Murdock, O'Connor, Parker, Rawle, Reeves, Storke, Terry, Townsend, Wallace, Walrath, Wharton, and Mr. Speaker—28.

## LEAVE OF ABSENCE.

Mr. McDonald was granted leave of absence for the day, and Mr. Stewart was granted leave of absence for one hour.

## BILL ON PASSAGE.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled “An Act to establish a Political Code,” approved March 12, 1872, relating to the powers and duties of County Boards of Equalization.

The question being on the final passage of Assembly Bill No. 45.

## CALL OF THE HOUSE.

Mr. Wharton moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

So ordered.

The question being on the final passage of Assembly Bill No. 45, the roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Field, Fleming, Fortna, Gaussail, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Sinon, Stephens, Sweetland, Townsend, Wallace, Walrath, Wharton, Wheat, Wheelan, and Mr. Speaker—59.

**NOES**—Messrs. Flynn, Storke, Terry, Weaver, and Yell—5.

Title approved.

Assembly Resolution No. — —Relative to appointing a special committee to prepare a bill in relation to the collection of delinquent taxes.

Mr. Terry moved that the Assembly Resolution be indefinitely postponed.

Mr. Cutter moved a call of the House.

Lost.

Mr. Storke asked leave to withdraw the resolution.

Objection being made, Mr. Flynn moved that he be granted leave to so withdraw the resolution.

The ayes and noes being demanded by Messrs. Johnston, Terry, and Wharton, the roll was called, and the motion adopted by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Breckinridge, Briceland, Callaghan, Cary, Clark, Coleman, Coombs, Crumpton, Culver, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Irwin, Keeler, Martin, Matthews, McClaskey, McHale, Murdock, O'Connor, Parker, Peterson, Plover, Rhiel, Sinon, Stephens, Storke, Townsend, Wallace, Wharton, Wheat, Wheelan, and Mr. Speaker—50.

**NOES**—Messrs. Booth, Brown, Caminetti, Carter, Cutter, Healy, Johnston, Lewison, McKinley, Rawle, Reeves, Stewart, Sweetland, Terry, Walrath, Weaver, and Yell—17.

### THIRD READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

On motion of Mr. Murdock, Assembly Bill No. 36 was passed temporarily on file.

### SECOND READING OF BILLS.

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Ordered read second time.

Read second time.

The question being, shall Assembly Bill No. 51 be ordered engrossed and to third reading, the ayes and noes being demanded by Messrs. Parker, Barry, and Hollister, the roll was called, and the House ordered the bill engrossed and to third reading by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Brown, Callaghan, Caminetti, Cary, Culver, Cutter, Farley, Granger, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Lewison, McClaskey, McHale, McKinley, Murdock, O'Connor, Plover, Rawle, Reeves, Sinon, Stephens, Stewart, Walrath, Weaver, and Wharton—32.

NOES—Messrs. Barry, Beard, Briceland, Coleman, Coombs, Crumpton, Doty, Field, Fleming, Flynn, Fortna, Gaussail, Hamilton, Head, Martin, Parker, Peterson, Rhiei, Storke, Terry, Townsend, Wheat, Wheelan, and Mr. Speaker—24.

Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations.

Mr. Barry moved that the bill, with Senate amendments, be considered seriatim.

So ordered.

Mr. Terry moved that the rules be suspended, and that the Assembly Concurrent Resolution, relative to the adjournment of the two Houses sine die, be considered.

Lost.

#### CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 10.

The question being, shall the House concur in Senate amendment: Insert in section one, line nine, the following: "as to freight of the same kind or class, from the same station and in the same direction."

The ayes and noes being demanded by Messrs. Wallace, Cutter, and Brown, the roll was called, and the House refused to concur by the following vote:

AYES—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Culver, Cutter, Irwin, Keeler, McKinley, Rawle, Storke, and Walrath—13.

NOES—Messrs. Atwell, Barry, Beard, Briceland, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Head, Healy, Heath, Hershey, Hollister, Hunter, Johnston, Lewison, Martin, Matthews, McClaskey, McHale, Murdock, O'Connor, Parker, Peterson, Plover, Reeves, Rhiei, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—51.

The House concurred in the following Senate amendment: Insert in line ten, after the word "freight," the words "of the same kind or class."

Also, concurred in the following amendment: Strike out of line twelve, section one, after the word "preference," the word "may," and insert the word "must."

Also, concurred in following amendment to same section and line: Insert, after the word "articles," the words "live stock, household goods."

Also, concurred in the following amendment: Insert in line thirteen, after the word "freights," the words "provided, that in the transportation of persons and things, preference shall be given to the United States and the State of California."

The House refused to concur in the following amendment: Insert in line fourteen, section one, after the word "and," the words "facilities similar to those in use January 1, 1884, and sufficient for the accommodation of the public, and all connecting transportation lines."

The House concurred in the following amendment: Insert in line seventeen, section one, after the word "to," the words "the public and."

Also, concurred in the following amendment: Insert in line three, section two, after the word "printed," the words "or written."

The House refused to concur in the following amendment: Insert in line four, section two, after the word "transportation," the words "from that particular station."

The House concurred in the following amendment: Insert in line five, section two, after the word "printed," the words "or written."

The question being, shall the House concur in the following amendment: Insert in line thirteen, section two, after the word "carload," the words "and a less rate per mile may be charged for long distances than is charged per mile for short distances for the same kind or class of freight."

The ayes and noes being demanded by Messrs. Irwin, Cutter, and Weaver, the roll was called, and the House refused to concur by the following vote:

**AYES**—Messrs. Bayley, Booth, Caminetti, Carter, Cary, Cutter, Hamilton, Irwin, Keeler, Lewison, McKinley, Rawle, Stewart, Sweetland, Walrath, and Weaver—16.

**NOES**—Messrs. Atwell, Barry, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Head, Heath, Hershey, Hollister, Hunter, Johnston, Martin, Matthews, McClaskey, McHale, Murdock, O'Connor, Parker, Peterson, Plover, Reeves, Rhiei, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—47.

The House refused to concur in the following amendment: Insert in line fifteen, section two, after the word "freight," the words "provided further, that nothing herein contained shall be construed to permit a less aggregate charge for the transportation of persons and property of the same class, in the same direction, for long distances, than is charged for like services for shorter distances."

The House concurred in the following amendment: Insert in line two, section three, after the word "structures," the words "devoted to a public use."

Also, concurred in the following amendment: Insert in line six, section three, after the word "removal," the words "if necessary or convenient to the public use."

The question being, shall the House concur in the following Senate amendment: Strike out section four, and insert the following in lieu thereof:

"Section 4. No corporation organized under the laws of any other Government, State, or sovereignty shall be permitted to operate any railroad or carry by rail within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State."

The ayes and noes being demanded by Messrs. Walrath, Sweetland, and Yell, the vote was called, and the House refused to concur by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Culver, Cutter, Hollister, Keeler, Lewison, McKinley, Rawle, Stewart, Sweetland, and Walrath—15.

**NOES**—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Carter, Cary, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Martin, Matthews, McClaskey, McHale, Murdock, Parker, Peterson, Plover, Reeves, Rhiei, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—50.

The question being, shall the House concur in the following Senate amendment: Strike out of line two, section six, printed bill, after the word "corporation," down to and including the word "stockholders," and insert, in lieu thereof, the following: "Its property shall be sold, and the proceeds, after the payment of its debts and liabilities, divided among its stockholders."

The ayes and noes being demanded by Messrs. Wharton, Walrath, and Johnston, the roll was called, and the House refused to concur by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Culver, Cutter, Irwin, Johnston, Keeler, Lewison, McKinley, Murdock, Rawle, Stewart, Sweetland, Terry, Walrath, and Weaver—19.

**NOES**—Messrs. Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Carter, Cary, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hunter, Martin, Matthews, McClaskey, McHale, O'Connor, Parker, Peterson, Plover, Reeves, Rhie, Sinon, Stephens, Storke, Townsend, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—45.

The question being, shall the House concur in the following amendment: Insert in line four, section seven, after the word "Attorney-General," the words "provided no act of any agent of such corporation violating the provisions of this Act shall be construed to be the act of the corporation, unless authorized or ratified by the Board of Directors thereof."

The ayes and noes being demanded by Messrs. Walrath, Cutter, and Keeler, the roll was called, and the House refused to concur by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Cary, Culver, Cutter, Hollister, Keeler, McKinley, Sweetland, and Walrath—13.

**NOES**—Messrs. Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coleman, Coombs, Crumpton, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Martin, Matthews, McClaskey, McHale, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie, Sinon, Stephens, Storke, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—51.

The House concurred in the following amendment: Insert in line seven, section seven, after the word "shall," the word "knowingly."

Also, concurred in the following amendment: Insert in line ten, section seven, after the word "who," the words "knowingly and willfully."

The question being, shall the House concur in the following amendment: Strike out of line fifteen, section seven, the following: "and shall be punished by imprisonment for not less than thirty days nor more than six months."

The ayes and noes being demanded by Messrs. Cutter, Johnston, and Irwin, the roll was called, and the House refused to concur by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Campbell, Carter, Cary, Coleman, Crumpton, Culver, Cutter, Field, Granger, Hamilton, Hollister, Irwin, Johnston, Keeler, Lewison, McKinley, Murdock, Reeves, Stewart, Townsend, Walrath, and Weaver—27.

**NOES**—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Coombs, Doty, Farley, Fleming, Flynn, Fortna, Gaussail, Head, Hershey, Hunter, Martin, Matthews, McClaskey, McHale, O'Connor, Parker, Peterson, Plover, Rawle, Rhie, Stephens, Storke, Terry, Wallace, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—36.

The question being, shall the House concur in all the amendments as adopted, the roll was called and the House concurred in the same by the following vote:



AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Brice-land, Brown, Callaghan, Caminetti, Campbell, Cary, Clark, Coleman, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McClaskey, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhie!, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—65.

NOES—Mr. Culver—1.

Mr. Johnston moved that Assembly Bill No. 10 be returned to the Senate, and that they be requested to recede from all amendments refused concurrence in by the House.

So ordered.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA—EXECUTIVE DEPARTMENT, }  
SACRAMENTO, May 8, 1884. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases.

GEORGE STONEMAN, Governor.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 8, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 4, relative to instructing our Senators in the Senate of the United States to support the Mexican Veteran Pension Bill.

R. O. CRAVENS, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 4 referred to Committee on Federal Relations.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1884.

MR. SPEAKER: Your Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 4—Relative to instructing our Senators in the Senate of the United States to support the Mexican Veteran Pension Bill—and now beg leave to report the same back, and recommend that it do pass.

McCLASKEY, Chairman.

Mr. McClaskey moved the adoption of Senate Concurrent Resolution No. 4.

Adopted.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Cutter: Assembly Concurrent Resolution No. 17—Relative to moneys paid by the defendant corporations on the so called compromise of certain suits for delinquent taxes.

Referred to Committee on Ways and Means.

Mr. Caminetti moved that the Committee on Ways and Means be instructed to report back Assembly Concurrent Resolution No. 17 to-morrow morning.

Lost.

## RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Wallace, the House took a recess until two o'clock P. M.

## REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 33—An Act to propose an amendment to sections four and ten of the Constitution, relative to the assessment of mortgages.

Ordered passed on file.

## REPORT OF COMMITTEE—(OUT OF ORDER).

## ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1884.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 60—An Act to authorize the payment of certain moneys now in the hands of the Attorney-General, collected as delinquent taxes on account, into the State Treasury, and into certain county treasuries—have had the same under consideration, and now report the same back, without recommendation.

TERRY, Chairman.

Mr. Johnston moved that the rules be suspended and the House proceed to consider Assembly Bill No. 60.

So ordered.

## FIRST READING OF BILLS.

Assembly Bill No. 60—An Act to authorize the payment of certain moneys now in the hands of the Attorney-General into the State Treasury and into certain county treasuries.

Ordered read first time.

Read first time, and ordered to second reading.

## SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 61—An Act to regulate the vocation of fishing and to provide therefrom revenue for the support of the government of the State.

Ordered read second time.

Read second time.

Mr. Atwell moved to amend, by inserting in line two, section one, after the word "fishing," the words "except amateur fishermen."

Lost.

Mr. Barry moved to amend, by striking out all after the word "Commissioners," in line six, of section three, page two, of printed bill, down to and including the word "examiners," in line eight thereof.

Lost.

Mr. Cutter moved that Assembly Bill No. 61 be declared a case of urgency; that the constitutional provision be suspended, and the bill

be considered engrossed, read a third time, and placed on its final passage.

The roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Atwell, Barnes, Bayley, Booth, Breckinridge, Briceland, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Harvey, Heath, Hershey, Hollister, Irwin, Johnston, Keeler, Lewison, Martin, McClaskey, McHale, McKinley, Murdock, Parker, Peterson, Plover, Reeves, Sinon, Stephens, Sweetland, Terry, Townsend, Wallace, Walrath, Wharton, and Wheat—46.

**NOES**—Messrs. Barry, Beard, Hamilton, Hunter, Storke, Weaver, Yell, and Mr. Speaker—8.

Assembly Bill No. 61 was ordered engrossed and to third reading.  
At three o'clock P. M., Mr. Terry moved to adjourn.

Lost.

#### CALL OF THE HOUSE.

Mr. Terry moved a call of the House.

So ordered.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Breckinridge, Briceland, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Field, Fleming, Fortna, Granger, Hamilton, Harvey, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Lewison, Martin, McClaskey, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Reeves, Rhie, Sinon, Stephens, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker.

Quorum present.

Mr. Johnston moved that the Sergeant-at-Arms be instructed to bring the absent members before the bar of the House, and that, unless able to furnish satisfactory excuses, they be fined.

Adopted.

Mr. Murdock moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Campbell moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Terry moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Breckinridge moved that the absentees, under the call of the House, be fined one dollar.

Lost.

Mr. Campbell moved that the absentees be fined two dollars.

Adopted.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

Lost.

At three o'clock and thirty-five minutes P. M., Mr. Reeves moved that the House adjourn, and that members arrested by the Sergeant-at-Arms be required to make their excuses to-morrow, immediately after the reading of the Journal.

Lost.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with; that the Sergeant-at-Arms be instructed to have the absentees before the bar of the House to-morrow morning.

Lost.

At three o'clock and fifty minutes, Mr. Rhiel moved to adjourn.

Lost.

Mr. Barry moved to dispense with further proceedings under the call of the House.

Lost.

Mr. Wharton moved that further proceedings under the call of the House be dispensed with.

Lost.

Mr. Atwell in the chair.

The Sergeant-at-Arms brought before the bar of the House, Messrs. Healy, Hall, Flynn, Coleman, Callaghan, Gaussail, O'Connor, Stewart, and Rawle.

Mr. Atwell (in the chair) read to the delinquents Assembly Rule No. 69, as follows:

**RULE 69.** No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or officer absent himself without leave his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

Mr. Sinon moved that further proceedings under the call of the House be dispensed with, and that the other delinquent members be brought before the bar of the House to-morrow, at ten o'clock A. M., and that they be fined in the same manner as the foregoing members have been.

So ordered.

Speaker La Rue in the chair.

Mr. Irwin moved that Assembly Rule No. 69 be temporarily suspended.

The ayes and noes being demanded by Messrs. Atwell, Fleming, and Sinon, the roll was called, and the motion adopted by the following vote:

**AYES**—Messrs. Barnes, Barry, Beard, Booth, Caminetti, Campbell, Cary, Clark, Crumpton, Culver, Cutter, Doty, Farley, Field, Fortna, Granger, Hamilton, Harvey, Heath, Hollister, Irwin, Keeler, Lewison, McClaskey, Murdock, Parker, Sinon, Storke, Terry, Wallace, Walrath, Weaver, Wharton, Wheat, Yell, and Mr. Speaker—36.

**NOES**—Messrs. Atwell, Breckinridge, Carter, Coombs, Fleming, Hershey, Hunter, Johnston, Martin, McHale, Peterson, Plover, Reeves, Rhiel, Stephens, and Townsend—16.

Mr. Booth moved that the fine imposed on delinquent members, under Rule No. 69, be rescinded.

So ordered.

#### LEAVE OF ABSENCE.

Mr. Bowers was granted leave of absence for the morning session to-morrow.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Wallace: Assembly Concurrent Resolution No. 18:

**WHEREAS**, The twenty-ninth (29th) day of August, A. D. 1884, will mark the lapse of one hundred years since the burial of Junipero Serra, at the Mission of San Carlos, in the County of Monterey; and whereas, the citizens of California, irrespective of differences in religious faith, have always entertained, and often in public assemblage have expressed, their appreciation of the high personal character of the founder of the Missions, which were the first settlements of civilized man in California, and their grateful recognition of the distinguished part he bore in the earlier civilization of the State; and whereas, it is becoming that a suitable official memo-

rial of their sentiments in that behalf should appear in the recorded proceedings of the Legislative and Executive Departments of the State. Therefore, as a tribute of respect to the memory of Junipero Serra,

*Resolved by the Assembly of the State of California, at its twenty-fifth (extra) session, the Senate concurring,* That his Excellency the Governor be and he is hereby respectfully requested to issue his proclamation appointing and declaring the twenty-ninth day of August, eighteen hundred and eighty-four, to be observed as a public holiday.

Adopted.

#### ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Cutter, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Friday, May 9, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Beard, Booth, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hershey, Holister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhel, Ryan, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Owing to the absence of the Chaplain, prayer was omitted.

#### LEAVE OF ABSENCE.

Mr. Nicol was granted leave of absence until Tuesday next.

#### READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Thursday, Mr. Storke moved that further reading be dispensed with.

So ordered.

Journal of Thursday approved.

#### SPECIAL ORDER.

The special order for this hour:

The further consideration of Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Flynn moved that the special order set for this hour be postponed until two o'clock this afternoon.

So ordered.

Mr. Atwell in the chair.

Mr. Storke moved that the remaining delinquent members under the call of the House on yesterday be now brought before the bar of the House.

So ordered.

The Sergeant-at-Arms brought Mr. Brown before the bar of the House.

Mr. Breckinridge moved that Rule No. 69 be temporarily suspended, and that Mr. Brown be excused from forfeiting his per diem.

So ordered.

#### REPORTS OF STANDING COMMITTEES.

##### ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1884.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred the following Assembly Bills: Substitute for Assembly Bill No. 1—Entitled "An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to revenue and taxation, and the method of the collection thereof."

Also, Assembly Bill No. 24—"An Act to amend sections three thousand six hundred and forty-four and three thousand six hundred and forty-five of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to taxation."

Also, Assembly Concurrent Resolution No. 17—Relative to moneys paid by the defendant corporations on the so called compromise of certain suits for delinquent taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also, Assembly Bill No. 22—Entitled "An Act to provide for the more efficient collection of delinquent taxes"—is hereby reported back, without recommendation.

CAMPBELL, Chairman.

##### ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed:

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Assembly Bill No. 61—An Act to regulate the vocation of fishing and to provide therefrom revenue for the support of the government of the State.

BROWN, Chairman.

##### ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, May 8, 1884.

MR. SPEAKER: Your Committee on Rules, to whom was referred the accompanying motion by Mr. Granger—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, the following resolution by Mr. Plover:

*Resolved*, On the passage of every bill and of every concurrent resolution for which a majority of two thirds of the House is required, a call of the House shall be made without motion for that purpose prior to the taking of the vote on the passage thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SINON, Chairman.

Mr. Johnston moved that the report of the Committee on Rules, regarding the resolution of Mr. Plover, relative to a call of the House on concurrent resolutions requiring a two-thirds' majority, be laid on the table.

So ordered.

#### THIRD READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872,

said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Mr. Flynn moved to pass Assembly Bill No. 36 on file.

So ordered.

Assembly Bill No. 51—An Act to amend section eighty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery.

Refused third reading.

Assembly Bill No. 61—An Act to regulate the vocation of fishing and to provide therefrom revenue for the support of the government of the State.

Ordered read third time.

Read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Atwell, Barnes, Bayley, Beard, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Harvey, Healy, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Wallace, Walrath, Wharton, Wheat, and Wheelan—62.

NOES—Messrs. Breckinridge, Hamilton, Head, Rhiel, Storke, Weaver, Yell, and Mr. Speaker—8.

Title approved.

Mr. Weaver gave notice that he would, on to-morrow, move to reconsider the vote whereby the House refused Assembly Bill No. 51 a third reading.

#### SECOND READING OF BILLS.

Assembly Bill No. 33—An Act to propose an amendment to sections four and ten of the Constitution, relative to the assessment of mortgages.

Refused second reading.

Assembly Bill No. 60—An Act to authorize the payment of certain moneys now in the hands of the Attorney-General into the State Treasury and into certain county treasuries.

Ordered read second time.

Read second time.

Mr. Johnston moved the following, as a substitute for section one:

Section 1. The Attorney-General of the State of California is hereby authorized, and it is hereby made his duty, within ten days after the passage of this Act, to pay into the State Treasury, upon the certificate of the Controller of State, all moneys now in his hands, collected by or paid to him on account by certain railway corporations as a partial payment on the amounts due the State and certain counties for delinquent taxes due the State and such counties for the years 1880, 1881, and 1882. On such payment being made, it shall be the duty of the State Treasurer to apportion to the counties entitled to the same so much of said money as was received by the Attorney-General for the use of said counties; said apportionment to be in proportion to the amount the respective counties are entitled to receive under such collections. In settling the accounts of such County Treasurers it shall be the duty of the Controller to credit them with the amount paid in by the Attorney-General as herein

provided, as so much of said delinquent taxes due (by said railway corporations) and paid on account only. And in no case shall such payment ever be held, deemed, or considered, as a full payment of the amounts due or claimed to be due to the State or said counties (from such railway corporations) for delinquent taxes, penalties, interests, or costs, for the years herein mentioned; or for counsel fees; but shall only be held to be a partial payment thereof.

Adopted.

Mr. Granger moved to amend the substitute, by striking out of section one, after the words "on account," in line seven, written substitute, the following words: "by certain railway corporations as partial payment on the amounts."

Also, on line twenty-five, written substitute, strike out the following words: "by said railway corporations."

Also, to strike out, on line thirty, written substitute, the following: "from such railway corporations."

Mr. Coleman moved that further consideration of Assembly Bill No. 60 be postponed till Monday next, at ten o'clock A. M.

The ayes and noes being demanded by Messrs. Terry, Granger, and Hall, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Breckinridge, Briceland, Callaghan, Carter, Cary, Coleman, Crumpton, Doty, Field, Fleming, Flynn, Gaussail, Hall, Head, Hershey, Hunter, Keeler, Kerrick, Matthews, McClaskey, McDonald, Murphy, Parker, Peterson, Plover, Rhie, Sinon, Stephens, Storke, Weaver, Wheelan, Yell, and Mr. Speaker—36.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Campbell, Clark, Coombs, Culver, Cutter, Farley, Faw, Fortna, Granger, Hamilton, Harvey, Healey, Heath, Hollister, Irwin, Johnston, Lewison, Martin, McKinley, Murdock, O'Connor, Rawle, Reeves, Ryan, Stewart, Sweetland, Terry, Townsend, Wallace, Walrath, Wharton, and Wheat—37.

Mr. Atwell moved that the further consideration of Assembly Bill No. 60 be indefinitely postponed.

Mr. Murdock moved a call of the House.

Lost.

The question being on the motion of Mr. Atwell to indefinitely postpone consideration of Assembly Bill No. 60, the ayes and noes being demanded by Messrs. Johnston, Walrath, and Hollister, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Breckinridge, Briceland, Callaghan, Coombs, Doty, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Head, Hershey, Hunter, Kerrick, McClaskey, McDonald, Murphy, Peterson, Plover, Rhie, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheelan, Yell, and Mr. Speaker—33.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coleman, Crumpton, Culver, Cutter, Farley, Faw, Granger, Hamilton, Harvey, Healey, Heath, Hollister, Irwin, Johnston, Keeler, Lewison, Martin, Matthews, McKinley, Murdock, O'Connor, Parker, Rawle, Reeves, Ryan, Stewart, Sweetland, Terry, Walrath, Wharton, and Wheat—40.

Mr. Storke moved that the further consideration of Assembly Bill No. 60 be made a special order for to-morrow, at ten o'clock A. M.

At twelve o'clock and twenty-five minutes P. M., Mr. Healy moved that the House do now adjourn.

Lost.

The question recurring on the motion to make Assembly Bill No. 60 a special order, it was lost.

#### LEAVE OF ABSENCE.

Mr. Coleman received leave of absence till Monday, at two o'clock P. M.; Mr. Brown till Monday, at three o'clock P. M., and Mr. Parker was granted indefinite leave of absence.



## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 8, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused passage of Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution, in relation to the Railroad Commission.

R. O. CRAVENS, Assistant Secretary.

At twelve o'clock and thirty minutes P. M., Mr. Storke moved that the House do now adjourn.

Lost.

RECESS.

The hour of recess having arrived, the House took a recess till two o'clock P. M.

REASSEMBLED.

The House reassembled.  
Speaker La Rue in the chair.  
Quorum present.

LEAVE OF ABSENCE.

Mr. Leake, Chief Clerk, was granted leave of absence till Monday.  
Mr. Flynn was granted leave of absence till Monday.

SPECIAL ORDER.

The special order for this hour:

The further consideration of Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Johnston moved that the special order, set for this hour, be temporarily postponed.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 60—An Act to authorize the payment of certain moneys now in the hands of the Attorney-General into the State Treasury and into certain county treasuries.

CONSIDERATION OF AMENDMENTS.

The question being on the adoption of the amendments offered by Mr. Granger to the substitute, the House adopted the same.

Mr. Atwell moved to amend Assembly Bill No. 60, by striking out the enacting clause.

PREVIOUS QUESTION.

Mr. Weaver moved the previous question.

So ordered.

The question being, shall the main question be now put.

So ordered.

The question recurring on the motion of Mr. Atwell to strike out the enacting clause of Assembly Bill No. 60, the ayes and noes being

demanded by Messrs. Walrath, Yell, and Breckinridge, the roll was called, and the motion adopted by the following vote:

**AYES**—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Carter, Coombs, Doty, Field, Fleming, Fortna, Gaussail, Hall, Head, Hershey, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, Peterson, Reeves, Rhie, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—37.

**NOES**—Messrs. Barnes, Booth, Brown, Caminetti, Campbell, Cary, Clark, Crumpton, Cutter, Farley, Faw, Granger, Hamilton, Harvey, Heath, Hollister, Irwin, Johnston, Keeler, Lewison, McKinley, Murdock, Murphy, O'Connor, Parker, Rawle, Ryan, Stewart, Sweetland, Terry, Walrath, and Wharton—32.

Mr. Cutter moved that the rules be suspended and the House proceed to consider Concurrent Resolution No. 17.

The ayes and noes being demanded by Messrs. Yell, Hollister, and Peterson, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Cary, Cutter, Harvey, Hollister, Keeler, Kerrick, McKinley, Rawle, Ryan, Stewart, Sweetland, Terry, and Wharton—18.

**NOES**—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Carter, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Hall, Hamilton, Head, Heath, Hershey, Hunter, Irwin, Johnston, Lewison, Martin, Matthews, McClaskey, McDonald, Murdock, Murphy, O'Connor, Parker, Peterson, Reeves, Rhie, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Yell, and Mr. Speaker—47.

#### SPECIAL ORDER—(RESUMED).

Assembly Bill No. 28—An Act to propose an amendment to section four, article thirteen, of the Constitution of the State of California, relative to the assessment of mortgages.

Mr. Campbell moved that further consideration of Assembly Bill No. 28 be passed on file.

The ayes and noes being demanded by Messrs. Terry, Murdock, and Wharton, the roll was called, and the motion adopted by the following vote:

**AYES**—Messrs. Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Hall, Hamilton, Head, Heath, Hershey, Hunter, Kerrick, Martin, Matthews, McClaskey, McDonald, Murdock, Parker, Peterson, Reeves, Rhie, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—45.

**NOES**—Messrs. Barnes, Bayley, Booth, Brown, Caminetti, Cutter, Harvey, Hollister, Irwin, Johnston, Keeler, Lewison, McKinley, Murphy, O'Connor, Rawle, Ryan, Stewart, Sweetland, Terry, Walrath, and Wharton—22.

#### ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., Mr. Beard moved that the House do now adjourn till Monday, at two o'clock and thirty minutes P. M.

Mr. Breckinridge moved to amend, that the House do now adjourn.

The ayes and noes being demanded by Messrs. Walrath, Peterson, and Fortna, the roll was called, and the amendment adopted by the following vote:

**AYES**—Messrs. Atwell, Barry, Bayley, Bowers, Breckinridge, Briceland, Carter, Clark, Coombs, Doty, Farley, Field, Fleming, Fortna, Gaussail, Granger, Head, Heath, Hershey, Hollister, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McDonald, Murphy, O'Connor, Parker, Peterson, Reeves, Rhie, Sinon, Storke, Townsend, Wallace, Wheat, Yell, and Mr. Speaker—40.

**NOES**—Messrs. Barnes, Beard, Booth, Brown, Callaghan, Caminetti, Campbell, Cary, Crumpton, Cutter, Faw, Hall, Hamilton, Harvey, Johnston, Keeler, Lewison, McKinley, Murdock, Rawle, Ryan, Stephens, Stewart, Sweetland, Terry, Walrath, Wharton, and Wheelan—29.

Whereupon, the House adjourned.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Saturday, May 10, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Parker, Peterson, Plover, Reeves, Rhiel, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Mr. Hershey was granted leave of absence for this day.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Friday, Mr. Carter moved that further reading of the Journal be dispensed with.

So ordered.

Journal of Friday approved.

## INTRODUCTION OF BILL.

By Mr. Sweetland: Assembly Bill No. 62—An Act amending article thirteen of the Constitution.

Referred to Committee on Constitutional Amendments.

## RESOLUTION—(OUT OF ORDER).

By Mr. Terry:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of Joseph Kirk, Clerk of the Committee on Judiciary, for the sum of thirty-one dollars and fifty cents, on account of expenses incurred by said committee in the investigation of the delinquent tax suits, payable out of the Contingent Fund of this Assembly.

Referred to Committee on Public Expenditures and Accounts.

## THIRD READING OF BILLS.

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

Ordered passed on file.

Mr. Keeler, pursuant to notice, moved to reconsider the vote whereby the House refused Assembly Bill No. 51 a third reading.

Lost.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 9, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 18—Relative to declaring the twenty-ninth day of August, A. D. 1884, a public holiday, as a mark of respect to the memory of Junipero Serra.

R. O. CRAVENS, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Concurrent Resolution No. 18 referred to Committee on Enrollment.

## SECOND READING OF BILLS.

Assembly Bill No. 1—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof.

Mr. Campbell moved that further consideration of Assembly Bill No. 1 be indefinitely postponed.

So ordered.

Assembly Bill No. 24—An Act entitled "An Act to amend sections three thousand six hundred and forty-four and three thousand six hundred and forty-five of the Political Code, relative to taxation."

Withdrawn.

## FIRST READING OF BILLS.

Assembly Bill No. 31—An Act prescribing the method of valuation and assessment of franchises, roadways, roadbeds, and rolling stock of railroads, and prescribing duties of State Board of Equalization in reference thereto.

Withdrawn.

Assembly Bill No. 35—An Act to provide for the collection of revenue.

Withdrawn.

Assembly Bill No. 40—An Act to amend section three thousand seven hundred and seventy-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the sale of property for taxes.

Mr. Campbell moved that further consideration of Assembly Bill No. 40 be indefinitely postponed.

So ordered.

Assembly Concurrent Resolution No. — —Relative to the adjournment of the two Houses sine die.

Ordered passed on file.

Assembly Bill No. 59—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-seven, in relation to the establishment of maximum rates of charges for transportation of passengers and freight on railroads.

Ordered passed on file.

Assembly Bill No. 58—An Act to repeal section three thousand

seven hundred and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the collection of property taxes.

Withdrawn.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 9, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 15—"An Act amending section nine, article thirteen, of the Constitution."

R. O. CRAVENS, Assistant Secretary.

Mr. Campbell moved that the House take up the Senate message and proceed to read Senate Bill No. 15 a first time.

So ordered.

#### FIRST READING OF BILLS--(RESUMED).

Senate Bill No. 15—Amendment to the Constitution—To amend section nine, of article thirteen, of the Constitution of the State of California.

Ordered read first time.

Read first time, and ordered to second reading.

Mr. Cutter moved to declare Senate Bill No. 15 a case of urgency, that the constitutional provision be suspended, and the bill read a second time.

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Brice-land, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Fortna, Gaussall, Granger, Hamilton, Harvey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Lewison, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, O'Connor, Peterson, Plover, Reeves, Rhie, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Wallace, Weaver, Wharton, Wheelan, Yell, and Mr. Speaker—60.

NOES—Messrs. Head, Heath, Martin, and Wheat—4.

#### SECOND READING OF BILLS.

Senate Bill No. 15—Amendment to the Constitution—To amend section nine, of article thirteen, of the Constitution of the State of California.

Ordered read second time.

Read second time.

Mr. Campbell moved to amend, by striking out of line twelve, section one, after the word "office," the words "after those first elected."

Adopted.

Mr. Campbell moved that Senate Bill No. 15 be referred to a special committee of three, with instructions to amend and report the same back as soon as possible.

#### APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker appointed Messrs. Campbell, Cutter, and Wallace, a special committee, to amend Senate Bill No. 15.

## REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1884.

*To the honorable Assembly of the State of California :*

Your committee appointed for the purpose of investigating charges of bribery and corruption, made on the floor of the House, against members thereof, beg leave to report as follows :

Your committee met on May 8, 1884, for the purpose of considering certain statements made by Mr. Breckinridge of Merced on the floor of the House, in connection with the reconsideration of Assembly Bill No. 14, generally known as the Campbell Bill. Mr. Breckinridge stated that his remarks referred to Mr. Sinon of San Francisco, and were based on information coming from trustworthy sources. He was examined as a witness by your committee, as also was the gentleman from San Francisco, Mr. Sinon.

Dr. Crumpton, a member of the committee, was requested to testify in reference to the mental condition of Mr. Sinon at the time the vote was taken on said bill. He was of the opinion, from a medical examination made immediately before and after said vote, that Mr. Sinon was not mentally responsible nor conscious at the time said vote was taken; and that he was in a state of delirium superinduced by causes not clearly discernible.

Your committee having no other source of information open to it, and not deeming it necessary to further prosecute this inquiry, now unanimously report:

That the statement and charges of Mr. Breckinridge were founded on remarks of Mr. Sinon himself, to the effect that he had been bribed to vote "no" on Bill No. 14, and afterwards had been robbed. That Sinon's language was reported to Breckinridge by auditors of the same, and was laid before the House in good faith. That these remarks of Mr. Sinon, however, were made at a time when he was in a state of delirium and mental irresponsibility. As to the exact cause of said delirium, your committee is unable to determine. We further wish to say that Mr. Breckinridge had no knowledge of this fact at the time he made said charges.

Your committee further find that there is no evidence whatever that Mr. Sinon was ever bribed or robbed, and is of opinion that no such occurrence took place, and that the delirious utterances of Mr. Sinon form the sole foundation for the charges made against him.

Your committee, therefore, fully exonerate Mr. Sinon from said charges.

J. F. WHARTON, Chairman.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON PUBLIC EXPENDITURES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1884.

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred a resolution introduced by Mr. Terry, relative to the payment of expenses incurred by the Assembly Judiciary Committee, in the investigation of certain delinquent tax suits—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMINETTI, Chairman.

Mr. Caminetti moved that the resolution, relative to the pay of certain committee expenses, be adopted.

So ordered.

## RESOLUTION—(OUT OF ORDER).

By Mr. Johnston:

WHEREAS, It appears from the letter of the Controller, John P. Dunn, addressed to the Governor, under date of February 12, 1884, that there is due to the County of Napa, for delinquent taxes of the California Pacific Railroad, for the years 1880, 1881, and 1882, the sum of \$22,864 84, which sum does not include the penalties, interest, costs, or counsel fees; and whereas, it is represented by the Attorney-General that he has said sum in his hands, received by him from said railroad company as a payment on account only, and which sum he is ready to pay to the County Treasurer of said Napa County on account only, but said Treasurer refuses to receive the same, on the ground that the Controller of State has notified him that if he does so, he, said Controller, will not settle the accounts of said Treasurer, as provided by law. Now, therefore, be it

*Resolved*, That the Attorney-General is hereby requested to pay said sum to the Treasurer of Napa County, as so much money paid on account only, and upon such payment being made the Controller is requested to settle the accounts of such Treasurer.

Mr. Johnston moved that the resolution be adopted.

Mr. Stephens moved that the resolution be laid on the table.

The ayes and noes being demanded by Messrs. Walrath, Terry, and Ryan, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Beard, Breckinridge, Briceland, Doty, Farley, Fleming, Head, Hunter, Martin, Matthews, McHale, Peterson, Plover, Rhie!, Sinon, Stephens, Storke, Townsend, Wharton, Wheat, Wheelan, and Yell—22.

**NOES**—Messrs. Barnes, Barry, Bayley, Bowers, Brown, Caminetti, Carter, Cary, Clark, Coombs, Crumpton, Faw, Field, Fortna, Gaussail, Granger, Hamilton, Harvey, Irwin, Johnston, Keeler, Kerrick, McClaskey, McKinley, Murdock, Reeves, Ryan, Stewart, Terry, Walrath, and Mr. Speaker—31.

Mr. Storke moved that the resolution be referred to the Committee on Ways and Means.

Adopted.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti: Assembly Concurrent Resolution No. 19—Relative to certain suits for the recovery of taxes delinquent to the State and various counties of the State, known as the railroad tax suits.

Referred to Committee on Ways and Means.

#### REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1884.

MR. SPEAKER: The undersigned special committee to whom was referred Senate Bill No. 15—have had the same under consideration and report the same back, with a recommendation that it do pass with amendments, as follows:

Amend, by striking out after the word "officer," in line twelve, printed bill, the words "after those first elected."

Also, add after the word "six," in line eleven, the words "and at each gubernatorial election thereafter."

Also, add after the word "qualify," in line thirty, the following: "The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization."

J. T. CAMPBELL,  
W. M. CUTTER,  
W. T. WALLACE.

The amendments recommended by the special committee to Senate Bill No. 15 were considered seriatim and concurred in.

The bill was ordered engrossed, printed, and to third reading.

#### RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Mr. Yell, the House took a recess until two o'clock P. M.

#### REASSEMBLED.

The House reassembled.

Speaker La Rue in the chair.

Quorum present.

#### ADJOURNMENT.

At two o'clock and five minutes P. M., on motion of Mr. Rhie!, the House adjourned till two o'clock and thirty minutes P. M., Monday.

## IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Monday, May 12, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## LEAVE OF ABSENCE.

Messrs. Granger and Culver were granted leave of absence for one day.

Mr. Lewison was granted leave of absence for two days.

Mr. Coleman was granted indefinite leave of absence.

Mr. Leake, Chief Clerk, was granted leave of absence for one day.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Saturday, Mr. Brown moved that further reading of the Journal be dispensed with.

So ordered.

Journal of Saturday approved.

## CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Yell:

*Resolved by the Assembly, the Senate concurring, That Tuesday, the thirteenth day of May, eighteen hundred and eighty-four, at twelve o'clock meridian, be and the same is hereby fixed as the hour for the adjournment of both Houses of this Legislature sine die.*

Mr. Flynn moved that the resolution be adopted.

The ayes and noes being demanded by Messrs. Breckinridge, Wharton, and Walrath, the roll was called, and the motion adopted by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Harvey, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Peterson, Plover, Rawle, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

**NOES**—None.



## RESOLUTION—(OUT OF ORDER).

By Mr. Flynn :

*Resolved*, That the sum of sixty dollars be allowed J. M. Farrelly, Sergeant-at-Arms, for contingent expenses of his office during the twenty-fifth (extra) session; and the Controller is hereby directed to draw his warrant in favor of J. M. Farrelly for said sum, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Public Expenditures and Accounts.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1884.

MR. SPEAKER: Your Committee on Engrossment beg leave to report that the following has been correctly engrossed: Senate Bill No. 15—An Act amending section nine, article thirteen, of the Constitution.

C. S. STEPHENS, for Committee.

Mr. Campbell moved that the House take up Senate Bill No. 15 for consideration.

So ordered.

## THIRD READING OF BILLS.

Senate Bill No. 15—An Act amending section nine, article thirteen, of the Constitution:

The Legislature of the State of California, at its twenty-fifth (extra) session, commencing on the twenty-fourth day of March, A. D. eighteen hundred and eighty-four, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby proposes that section nine, of article thirteen, of the Constitution of the State of California, be amended so as to read as follows:

Section 9. A State Board of Equalization, consisting of one member from each Congressional District in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purpose of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; provided, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; provided, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation, by which a debt is secured, money, or solvent credits, above its face value. The

present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical, and to provide for the election of members of said Board of Equalization.

Ordered read third time.

Read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Hamilton, Harvey, Head, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Reeves, Rhiehl, Ryan, Sinon, Stephens, Stewart, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—66.

**NOES**—None.

Title approved.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1884.

**MR. SPEAKER:** Your Committee on Judiciary, to whom was referred Assembly Bill No. 38—An Act to amend an Act entitled "An Act to provide for the construction of a railroad from the Bay of San Luis Obispo to Santa Maria, in the County of Santa Barbara," approved March 27, 1874.

Also, Assembly Concurrent Resolution No. 8—Concerning the proposed legislation now pending in the Congress of the United States, to authorize the reopening of adjudicated title to lands situate in the State of California, and patented by the United States, under grants by the Mexican Government.

Also, Assembly Concurrent Resolution No. 16—Relative to making Courts of record of the State Courts for the hearing and trial of bankruptcy cases.

Have had the same under consideration, and now report the same back, without recommendation.

TERRY, Chairman.

#### (RESOLUTION—OUT OF ORDER).

By Mr. Campbell:

*Resolved*, That the Postmistress, Miss M. Fannie Burnett, be and she is hereby allowed per diem for four days for time after adjournment in completing the work of the Post Office department of this Assembly; and the Controller is hereby directed to issue his warrant to her for the same, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Hollister was granted permission to withdraw Assembly Bill No. 38 from the file.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Caminetti: Assembly Bill No. 63—An Act to propose an amendment to section four of the Constitution of the State of California, proposed by the Legislature of the State of California, at the twenty-fifth (extra) session, pursuant to the first section, of the eighteenth article, of said Constitution, relative to revenue and taxation, and to section ten, of article thirteen, of the Constitution of the State of California, relative to the assessment of property.

Referred to Committee on Ways and Means.

## THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 36—An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as section three thousand seven hundred and twenty, relating to the rate of taxation in the various counties and cities and counties of this State.

The question being, shall the bill be read a third time, the ayes and noes being demanded by Messrs. Flynn, O'Connor, and Weaver, the roll was called, and the bill ordered read a third time by the following vote:

**AYES**—Messrs. Atwell, Barnes, Bayley, Booth, Bowers, Breckinridge, Briceland, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Cutter, Doty, Farley, Faw, Fleming, Fortna, Gaussail, Harvey, Head, Hershey, Irwin, Johnston, Keeler, McClaskey, Rawle, Reeves, Stewart, Sweetland, Walrath, Wheat, and Yell—36.

**NOES**—Messrs. Barry, Beard, Brown, Field, Flynn, Hamilton, Heath, Hunter, Kerrick, Martin, McDonald, McHale, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rhie, Sinon, Stephens, Terry, Wallace, Weaver, Wharton, Wheelan, and Mr. Speaker—27.

Read third time.

Mr. Barry moved that further consideration of Assembly Bill No. 36 be passed on file.

So ordered.

## FIRST READING OF BILLS.

Assembly Bill No. 59—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-seven, in relation to the establishment of maximum rates of charges for transportation of passengers and freight on railroads.

Ordered passed on file.

Assembly Bill No. 22—An Act to provide for the more efficient collection of delinquent taxes.

Ordered passed on file.

Assembly Concurrent Resolution No. — —Relative to the adjournment of the two Houses sine die.

Withdrawn.

Assembly Concurrent Resolution No. 17—Relative to moneys paid by the defendant corporations on the so called compromise of certain suits for delinquent taxes.

The question being on the passage of Assembly Concurrent Resolution No. 17, Mr. Terry moved a call of the House.

The ayes and noes being demanded by Messrs. Irwin, Terry, and Walrath, the roll was called, and the motion lost by the following vote:

**AYES**—Messrs. Barnes, Bayley, Booth, Caminetti, Cary, Crumpton, Cutter, Doty, Faw, Flynn, Harvey, Hollister, Hunter, Irwin, Johnston, Keeler, Matthews, McKinley, Nicol, O'Connor, Peterson, Rawle, Reeves, Stephens, Terry, Townsend, Walrath, Wharton, Wheelan, and Mr. Speaker—31.

**NOES**—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Coombs, Farley, Field, Fleming, Fortna, Gaussail, Hamilton, Head, Heath, Hershey, Kerrick, Martin, McClaskey, McDonald, McHale, Murdock, Murphy, Plover, Rhie, Sinon, Sweetland, Wallace, Weaver, Wheat, and Yell—33.

Mr. Campbell moved that Assembly Concurrent Resolution No. 17 be laid on the table.

The ayes and noes being demanded by Messrs. Sweetland, Yell, and Townsend, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Campbell, Clark, Coombs, Crumpton, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Head, Heath, Hershey, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhie!, Stephens, Terry, Townsend, Wallace, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker—50.

NOES—Messrs. Barnes, Bayley, Booth, Caminetti, Cary, Cutter, Hamilton, Harvey, Hollister, McKinley, Stewart, Sweetland, and Walrath—13.

Mr. Cutter moved that the rules be suspended and the House take up, out of order, for consideration, Assembly Concurrent Resolution No. 19.

The ayes and noes being demanded by Messrs. Atwell, Caminetti, and Rhie!, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Barnes, Bayley, Brown, Caminetti, Crumpton, Cutter, Faw, Hamilton, Harvey, Johnston, Keeler, McClaskey, McKinley, Murdock, Rawle, Stewart, Sweetland, Terry, and Walrath—19.

NOES—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Briceland, Callaghan, Campbell, Clark, Doty, Farley, Field, Fleming, Flynn, Fortna, Gaussail, Head, Heath, Hershey, Hollister, Hunter, Irwin, Kerrick, Martin, Matthews, McDonald, McHale, Nicol, O'Connor, Peterson, Plover, Reeves, Rhie!, Sinon, Stephens, Storke, Townsend, Wallace, Weaver, Wheat, Wheelan, Yell, and Mr. Speaker—43.

#### LEAVE OF ABSENCE.

Sam. McClintock, Page, was granted leave of absence for the day.

#### ADJOURNMENT.

At four o'clock P. M., on motion of Mr. Townsend, the House adjourned.

#### IN ASSEMBLY.

ASSEMBLY CHAMBER,  
Tuesday, May 13, 1884. }

The House met pursuant to adjournment.

Speaker La Rue in the chair.

The roll was called, and the following members answered to their names:

Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Bowers, Breckinridge, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hunter, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Murdock, Murphy, Nicol, O'Connor, Peterson, Plover, Rawle, Reeves, Rhie!, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Prayer by the Chaplain.

## READING AND APPROVAL OF THE JOURNAL.

Pending the reading of the Journal of Monday, Mr. Murdock moved that further reading be dispensed with.

Lost.

Reading of the Journal resumed.

Pending the reading, on motion of Mr. Carter, further reading of the Journal was dispensed with.

Journal of Monday approved.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 12, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution—Relative to the adjournment of the two houses sine die on Tuesday, May 13, at twelve o'clock M.

And concurred in Assembly amendments to Senate Bill No. 15—An Act amending section nine, article thirteen, of the Constitution.

R. O. CRAVENS, Assistant Secretary.

## RESOLUTION—(OUT OF ORDER).

By Mr. Heath:

WHEREAS, It will be necessary for the Journal Clerk and his assistant to remain here four days after the adjournment sine die, to close, compare, and properly rule the Journal; therefore, be it

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of George W. Peckham, Journal Clerk, and his assistant, for the sum of thirty-two dollars each, for the said four days work, payable out of the Contingent Fund of the Assembly.

Mr. Barry moved to amend, by making it two days instead of four, and the amount sixteen dollars instead of thirty-two dollars.

Lost.

The question recurring on the resolution of Mr. Heath, it was adopted.

By Mr. Storke:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of the Minute Clerk and assistant, for twenty-four dollars each, for services to be performed at the close of the session—three days, at eight dollars per day—payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Campbell:

WHEREAS, Sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code specify the officers and their duties after the close of the session of the Legislature, and the compensation therefor;

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Chief Clerk and Assistant Clerks of the Assembly for the sum of fifty dollars each, in compliance with aforesaid sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Bowers:

*Resolved*, That the Sergeant-at-Arms be and he is hereby allowed the sum of fifty dollars for the closing of affairs of his office after the adjournment of the Assembly, and the Controller be and is hereby instructed to draw his warrant on the State Treasury for the amount, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Fleming:

*Resolved*, That the State Printer be and he is hereby directed to print, for the use of the members of the Assembly, four hundred copies extra of Senate and Assembly Journals of the extra session, and the Secretary of State is hereby directed to send to each member of this Assembly five copies each of the same.

Adopted.

By Mr. Campbell:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to turn over to the Secretary of State all bills, books, papers, and documents in his possession belonging to this body upon the adjournment of this Legislature.

Adopted.

#### CONCURRENT RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti: Assembly Concurrent Resolution No. 20—Relative to the acquisition of large landed estates in the United States by non-resident foreigners.

Adopted.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Cutter:

*Resolved*, That the mail carrier, George Woodburn, be and he is hereby allowed per diem for four days' time after the adjournment, in carrying the mail for the Assembly, and the Controller is hereby directed to issue his warrant to him for the same, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Campbell:

*Resolved*, That the Controller be and is hereby authorized to draw his warrant in favor of C. H. Rave, for the sum of \$45 75, for repairing locks, etc., the same to be paid out of the Contingent Fund of the Assembly.

March 8—To ten drawer keys.....	\$5 00
March 8—To repairing lock.....	50
March 8—To repairing lock.....	50
March 10—To sixteen keys.....	8 00
March 11—To sixteen keys.....	8 00
March 14—To repairing lock.....	75
March 14—To two new locks.....	3 00
March 14—To eight keys.....	4 00
March 17—To repairing two locks.....	1 50
March 17—To eight keys.....	4 00
March 18—To picking two locks.....	1 00
March 18—To eight keys.....	4 00
March 21—To picking two locks.....	1 00
March 27—To repairing lock, and one new key.....	1 00
March 29—To seven new keys.....	3 50
	<hr/>
	\$45 75

Mr. Brown moved that the resolution be laid on the table.

So ordered.

By Mr. Doty:

*Resolved*, That S. Johnson, Post Office Page, be allowed four days' extra time for assisting the Postmistress in her duties after the Legislature adjourns, the same to be paid out of the Contingent Fund of the Assembly.

Lost.

By Mr. Nicol:

*Resolved*, That the Secretary of State be and he is hereby directed to send a copy each of the Senate and Assembly Journals to the following clerks at the desk :

E. E. Leake.....	Dixon, California
G. W. Herbert.....	Biggs, California
Julius Reimer.....	San Francisco, California
George B. Crandall.....	No. 312 Pine street, San Francisco, California
Edw. F. Conway.....	No. 529 California street, San Francisco, California
George W. Peckham.....	Watsonville, California
C. A. Giffen.....	Truckee, California

Adopted.

By Mr. Terry:

*Resolved*, That one thousand copies of Assembly Bill No. 60 (as amended) be printed for the use of the members.

Mr. Rhiei moved that the resolution be laid on the table.

So ordered.

By Mr. Culver:

WHEREAS, An extra session of the Legislature of California, having been convened by his Excellency the Governor, for the purpose of considering certain matters, notably the removal of the present Railroad Commissioners, the question of freights and fares on railroads, and the collection of revenue; and whereas, other matters of special and vital importance to the workingmen and women of this State not having been mentioned in the call are excluded from our consideration; therefore, be it

*Resolved*, That we, members of this Assembly and representatives of the people, are in accord, and believe in the great principle of right, that every person is entitled to a fair and just compensation for his work—that the laborer is worthy of his hire; and that we recognize and believe that the permanent prosperity of our State is in the hands of our workingmen and women, and for whose benefit we trust the next Legislature may formulate such wise laws as may strictly define the rights of the employer and employed, restrict, if possible, the hours of labor, and enact such statutes for our State Government as may have a tendency to elevate and improve the status of labor, and benefit the intelligent toilers of California.

Mr. Weaver moved to lay the resolution on the table.

The ayes and noes being demanded by Messrs. Culver, Wharton, and Sweetland, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Clark, Doty, Farley, Hershey, McDonald, McHale, Peterson, Weaver, and Yell—9.

NOES—Messrs. Atwell, Barnes, Barry, Bayley, Beard, Booth, Breckinridge, Briceland, Brown, Callaghan, Carter, Cary, Coombs, Crumpton, Culver, Cutter, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hamilton, Harvey, Head, Heath, Hollister, Irwin, Johnston, Keeler, Kerrick, Martin, Matthews, McClaskey, McKinley, Murdock, Murphy, Nicol, Plover, Rawle, Reeves, Rhiei, Ryan, Sinon, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Wallace, Walrath, Wharton, Wheat, and Mr. Speaker—55.

Mr. Storke moved to amend, by striking out the preamble.

The ayes and noes being demanded by Messrs. Culver, Hollister, and Sweetland, the roll was called, and the motion adopted by the following vote:

AYES—Messrs. Atwell, Barry, Beard, Bowers, Breckinridge, Callaghan, Campbell, Cary, Clark, Coombs, Crumpton, Doty, Farley, Faw, Fleming, Flynn, Fortna, Gaussail, Granger, Head, Heath, Hershey, Hunter, Irwin, Kerrick, Martin, Matthews, McClaskey, McDonald, McHale, Nicol, Peterson, Plover, Rhiei, Sinon, Stephens, Storke, Terry, Townsend, Wheat, Yell, and Mr. Speaker—42.

NOES—Messrs. Barnes, Bayley, Booth, Brown, Carter, Culver, Cutter, Harvey, Hollister, Keeler, McKinley, Murdock, Rawle, Reeves, Ryan, Stewart, Sweetland, Wallace, Walrath, Weaver, and Wharton—21.

Mr. Flynn moved that the resolution as amended be adopted.

So ordered.

## REPORTS OF STANDING COMMITTEES.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1884.

MR. SPEAKER: Your Committee on Enrollment beg leave to report that Assembly Concurrent Resolution No. 18 has been examined and found correctly enrolled—Relative to declaring the twenty-ninth day of August, A. D. eighteen hundred and eighty-four, a public holiday, as a mark of respect to the memory of Junipero Serra—and the same was, at eleven o'clock A. M., May 13, 1884, placed in the hands of the Governor.

SWEETLAND, Chairman.

Mr. Irwin moved that the rules be suspended, and that the House take up and proceed to consider Assembly Bill No. 28.

Lost.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1884.

MR. SPEAKER: Your Committee on Public Expenditures, to whom was referred Assembly Resolution—Relative to allowing J. M. Farrelly, Sergeant-at-Arms, the sum of sixty dollars for contingent expenses of his office—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CAMINETTI, Chairman.

Mr. Cutter moved that the resolution be adopted.

So ordered.

By Mr. McDonald:

*Resolved*, That Frank Caffery be and he is hereby allowed one dollar per day for attendance on committee rooms during the session of the Legislature.

Lost.

Mr. Storke moved that the resolution be laid on the table.

So ordered.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, May 13, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 29—"An Act to provide for taxes upon the income of railroad companies or corporations, and every other company or corporation whose property is devoted to or affected by a public use, who shall fail to pay their property taxes"—as amended by the Senate.

R. O. CRAVENS, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 29—Referred to Committee on Ways and Means.

## RESOLUTION.

By Mr. Rawle:

*Resolved*, That the Clerk of the Sergeant-at-Arms be paid, at the close of the session, thirty-two dollars (\$32), being four days' per diem, for arranging papers, closing and balancing the books of account in his charge, and the Controller of State is authorized and hereby directed to draw his warrant on the State Treasury for that amount, payable out of the Contingent Fund of the Assembly.

Lost.

Mr. Cutter moved that a committee of three be appointed, to wait upon his Excellency the Governor, and ascertain whether he has any further communications to make to this House.

So ordered.

## APPOINTMENT OF A SPECIAL COMMITTEE.

The Speaker appointed Messrs. Cutter, Stephens, and Murdock as a special committee, to wait upon his Excellency the Governor.



## REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER: Your special committee appointed to wait upon his Excellency the Governor, would respectfully report that they have performed the duty assigned to them, and that his Excellency the Governor has no further communications to make to this House.

## LEAVE OF ABSENCE.

Mr. Granger was allowed indefinite leave of absence.

## SENATE MESSAGE.

SENATE CHAMBER, SACRAMENTO, May 13, 1884.

MR. SPEAKER: I am directed to inform your honorable body that the Senate, this day, adopted Assembly Concurrent Resolution No. 20—Relative to the acquisition of large landed estates in the United States by non-resident foreigners.

R. O. CRAVENS, Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Concurrent Resolution No. 20—Referred to the Committee on Enrollment.

## REPORT OF COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1884.

MR. SPEAKER: Your Committee on Enrollment, to whom was referred Assembly Concurrent Resolution No. 20—Relative to the acquisition of large landed estates in the United States by non-resident foreigners—respectfully report that the same has been correctly enrolled, and was presented to his Excellency the Governor.

SWEETLAND.

Speaker pro tem. Campbell in the chair.

## RESOLUTION—(OUT OF ORDER).

By Mr. Murdock:

*Resolved*, That the thanks of this body be extended to our Speaker, Hon. H. M. La Rue, for his unfailing courtesy and absolute fairness in presiding over the deliberations of the Assembly.

Adopted.

## MESSAGE FROM THE SENATE.

The Senate, by a committee composed of Senators Cross, Vrooman, and Filcher, appeared, and asked the House whether they had any further communication to make to the Senate.

Mr. Johnston moved that a committee of three be appointed to notify the Senate that the House had no further communications to make.

So ordered.

Speaker La Rue in the chair.

## APPOINTMENT OF A SPECIAL COMMITTEE.

The Speaker appointed Messrs. Johnston, Flynn, and Cary a special committee to wait upon the Senate.

## REPORT OF SPECIAL COMMITTEE.

MR. SPEAKER: Your special committee appointed to wait upon the Senate, would respectfully report that they have performed that duty, and that the Senate has adjourned sine die.

## VALEDICTORY.

GENTLEMEN OF THE ASSEMBLY: When we adjourned on the thirteenth day of March, 1883, little did we expect to be called together again during our term of office. But owing to the railroad corporations failing and refusing to pay their taxes for a period of four years, and the Railroad Commissioners neglecting and refusing to discharge the duties of their office in the correction of abuses and discriminations, the people demanded of the Governor that he should convene the Legislature in extra session, that they might propose such amendments to the Constitution and enact such laws as would give the people the relief so much needed that would insure the prompt and certain collection of the revenue due from corporations, also to enact such laws as would prevent discriminations and correct the abuses practiced by transportation companies. Accordingly, on the twenty-fourth day of March last, we were convened by his Excellency the Governor in extra session. As a result of the work of this Assembly we have passed the following bills and constitutional amendments, in accordance with the subjects named in the Governor's proclamation:

Assembly Bill No. 47—An Act to propose an amendment to article twelve of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as section twenty-six, in relation to the establishment of maximum rates for freight transportation on railroads. (Introduced on behalf of the Committee on Corporations)—Barry.

Assembly Bill No. 8—An Act to amend section two hundred and eighty-three, of article one, chapter one, title one, part four, of the Civil Code, being the general provisions applicable to all corporations—Atwell.

Assembly Bill No. 9—An Act to amend section five hundred and twenty-six of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the issuance of injunctions—Nicol.

Assembly Bill No. 10—An Act to prevent discriminations and abuses by railroad corporations—Barry.

Assembly Bill No. 14—An Act to propose an amendment to sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California, relative to the Railroad Commission—Campbell.

Assembly Bill No. 26—An Act to amend section three thousand seven hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," concerning the collection of property taxes—Wallace.

Assembly Bill No. 29—An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes—Wallace.

Assembly Bill No. 37—An Act to propose an amendment to article twelve of the Constitution, in relation to corporations, by adding a new section thereto, to be known as section twenty-five, in relation to the establishment of maximum rates for passenger transportation on railroads. (Introduced on behalf of Committee on Corporations.)—Barry.

Assembly Bill No. 41—An Act to provide for funding the indebtedness of counties in certain cases—Wallace.

Assembly Bill No. 42—An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto. (Introduced on behalf of the Committee on Ways and Means.)—Campbell.

Assembly Bill No. 43—An Act relating to revenue and taxation, and the method of the collection thereof. (Introduced on behalf of the Committee on Ways and Means.)—Campbell.

Assembly Bill No. 45—An Act to amend section three thousand six hundred and seventy-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization—Wharton.

Assembly Bill No. 52—An Act to amend section three thousand six hundred and thirty-two of the Political Code, relating to revenue and taxation and the powers and duties of Assessors—Johnston.

Assembly Bill No. 53—An Act to amend section three thousand eight hundred and twenty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the manner of the collection of taxes by the Assessor on certain personal property—Harvey.

Assembly Bill No. 57—An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of the State Government. (Introduced on behalf of Committee on Ways and Means.)—Campbell.

Senate Bill No. 15—Amendment to the Constitution—To amend section nine, of article thirteen, of the Constitution of the State of California—Sullivan.

And have transmitted the same to the Senate for their consideration.

I sincerely regret that the Senate have failed to agree to the proposed amendments to the Constitution adopted by the Assembly, and have prevented the passage of such laws as have passed this House in relation to revenue and taxation.

And thus have all the efforts of the members of this Assembly, which I verily believe represent the wishes of a majority of the voters of the State, been thwarted. And by the refusal of the Senate to coöperate with the Assembly our labors have all been in vain.

To a wise and considerate constituency we refer our exertions for their approval or disapproval.

To you, gentlemen of the Assembly, one and all, I again take great pleasure in thanking you for the honor conferred and trust reposed in me as your presiding officer, and sincerely hope and trust that I have not, by word or act, done anything to lower myself in your esteem. I have, at all times in my official capacity, endeavored to discharge my duty fearlessly, fairly, and impartially, without feeling or prejudice. How well I have succeeded is for you to judge.

To the Speaker pro tem. I am under many obligations for advice and information.

To the clerks and other attachés and employés of the Assembly, I am thankful for the many favors and courtesies extended to me.

But little more remains to be said. We again separate, soon to return to our immediate constituents, to give to them an account of our stewardship.

I now say to you, one and all, may prosperity, health, and good fortune attend you all in your various walks of life.

The time fixed by concurrent resolution by both Houses for adjournment having arrived, I now declare the Assembly adjourned sine die.

H. M. LA RUE, Speaker.

G. W. HERBERT, Assistant Chief Clerk.

GEO. B. CRANDALL, Minute Clerk.

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# INDEX.

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1	An Act to amend Sections 3771, 3786, and 3787 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the method of collection thereof. Wharton-----	10		
2	An Act to propose an amendment to Section 22, of Article XII, of the Constitution, relative to the Railroad Commission. Cutter-----	12		
3	An Act to propose an amendment to Section 4, Article XIII, of the Constitution, relative to the assessment and taxation of mortgages. Cutter-----	12		
4	An Act to propose an amendment to Section 10, Article XIII, of the Constitution, relative to the assessing of property where situated. Cutter-----	12		
5	An Act to propose an amendment to Section 22, of Article XII, of the Constitution of the State, relative to the Railroad Commission. Levenson-----	12		
6	An Act to propose an amendment to Section 4, of Article XIII, of the Constitution of the State, relative to revenue and taxation. Levenson-----	11		
7	An Act making appropriations to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year. Campbell--	14	30	33
8	An Act to amend Section 283, of Article I, Chapter I, Title I, Part IV, of the Civil Code, being the general provisions applicable to all corporations. Atwell-----	15	60	
9	An Act to amend Section 526 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to the issuance of injunctions. Nicol-----	15	43	
10	An Act to prevent discriminations and abuses by railroad corporations. Barry-----	15	45	81
11	An Act to amend the laws relating to revenue. Levenson-----	15		
12	An Act to prevent and punish discriminations by railroad corporations, their officers and servants. Levenson-----	16		
13	An Act to propose an amendment to the Constitution of the State of California, in relation to the assessment of property for taxation, the equalization thereof, and the appointment of a State Assessor. Irwin-----	18		
14	An Act to propose an amendment to Sections 22, 23, and 24, of Article XII, of the Constitution of the State of California, relative to the Railroad Commission. Campbell-----	18	145	



Number	TITLE.	Introduced	Passed Assembly	Passed Senate.
15	An Act to levy an income tax. Levenson-----	18		
16	An Act to propose an amendment to Section 22, of Article XII, of the Constitution, relative to the Board of Railroad Commissioners. Murdock-----	25		
17	An Act to propose an amendment to Section 10, of Article XIII, of the Constitution of the State of California, relative to the assessment of property. Caminetti-----	25		
18	An Act to propose an amendment to Section 22, of Article XII, of the Constitution of California, and relating to freights and fares on railroads in a fixed per cent of profits on their assessed value. Keeler-----	23		
19	An Act to amend Section 85 of the Penal Code, relative to bribery. Keeler-----	27		
20	An Act to propose an amendment to Section 21, of Article XII, of the Constitution of California, relative to discrimination in charges or facilities for transportation by railroads or other transportation companies. Keeler-----	28		
21	An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 329, relative to the commencement of actions for the purpose of restraining the assessment and collection of taxes, and questioning the validity or legality of any tax. Nicol-----	30		
22	An Act to provide for the more efficient collection of delinquent taxes. Breckinridge-----	30		
23	An Act to propose an amendment to Sections 22 and 23, of Article XII, of the Constitution of this State, relating to Railroad Commissioners. Granger-----	30		
24	An Act entitled "An Act to amend Sections 3644 and 3645 of the Political Code, relative to taxation." Brown-----	30		
25	An Act to propose an amendment to the Constitution of the State of California, in relation to the classification and regulation of railways. Irwin-----	30		
26	An Act to amend Section 3779 of an Act entitled "An Act to establish a Political Code," concerning the collection of property taxes. Wallace-----	30	70	
27	An Act to propose an amendment to Section 10, Article XIII, of the Constitution of the State of California, relative to the assessment of railroad property. Wallace-----	35		
28	An Act to propose an amendment to Section 4, Article XIII, of the Constitution of the State of California, relative to the assessment of mortgages. Wallace-----	35		
29	An Act to provide for taxes upon the income of railroad corporations who shall fail to pay their property taxes. Wallace-----	35	72	
30	An Act to propose an amendment to Section 3, Article XIII, of the Constitution of the State of California, relative to the assessment of lands. Wallace-----	35		
31	An Act prescribing the method of valuation and assessment of franchises, roadways, roadbeds, and rolling stock of railroads, and prescribing duties of State Board of Equalization in reference thereto. Wallace-----	35		

Number	TITLE.	Introduced	Passed Assen- by	Passed Senate.
32	An Act to propose an amendment to Section 2, of Article XIII, of the Constitution of the State of California, relative to assessing land and improvements thereon separately. Wallace-----	35		
33	An Act to propose an amendment to Sections 4 and 10 of the Constitution, relative to the assessment of mortgages. (Identical with Senate Bill No. 5.) Storke-----	38		
34	An Act to propose an amendment to Section 22, of Article XII, of the Constitution, relating to the Railroad Commission; and to repeal Section 23 of said article. Terry-----	43		
35	An Act to provide for the collection of revenue. Wallace-----	44		
36	An Act adding a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section to be known as Section 3720, limiting the rate of taxation in the various counties and cities and counties of this State. Bibb-----	44		
37	An Act to propose an amendment to Article XII of the Constitution of the State, etc. Barry-----	47	77	
38	An Act to amend an Act entitled "An Act to provide for the construction of a railroad from the Bay of San Luis Obispo to Santa Maria, in the County of Santa Barbara," approved March 27, 1874. Hollister-----	47		
39	An Act to repeal Sections 3899 and 3900 of the Political Code of the State of California, in relation to the collection of delinquent taxes by suit. Caminetti-----	48		
40	An Act to amend Section 3773 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the sale of property for taxes. Parker-----	59		
41	An Act to provide for funding the indebtedness of counties in certain cases. Wallace-----	65	93	87
42	An Act prescribing the method of the valuation and assessment of franchises, roadways, roadbeds, rails, and rolling stock of railroads, and prescribing the duties of the State Board of Equalization and Assessors in reference thereto. (Introduced on behalf of the Committee on Ways and Means.) Campbell-----	69	107	
43	An Act relating to revenue and taxation, and the method of the collection thereof. (Introduced on behalf of the Committee on Ways and Means.) Campbell-----	74	108	
44	An Act to amend Section 3773 of the Political Code, relating to the sale of property for delinquent taxes. Irwin-----	80		
45	An Act to amend Section 3674 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of County Boards of Equalization. Wharton-----	80	156	180
46	An Act to propose an amendment to Sections 22 and 23, of Article XII, of the Constitution of the State, relating to Railroad Commissioners. (Introduced on behalf of the Committee on Constitutional Amendments as a substitute for Assembly Bills Nos. 2, 5, 14, 16, 18, 23, and 34.) Granger-----	88		
47	An Act to propose an amendment to Article XII of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as Section 26, in relation to the establishment of maximum rates for freight transportation on railroads. (Introduced on behalf of the Committee on Corporations.) Barry-----	90		

Number	TITLE.	Introduced	Passed Assembly	Passed Senate.
48	An Act to prevent and punish discrimination by railroad corporations, their officers, and servants. (By request.) Nicol-----	93		
49	An Act to propose an amendment to Sections 22 and 23, of Article XII, of the Constitution, relative to the Railroad Commissioners. Irwin-----	94		
50	An Act to propose an amendment to Section 22, of Article XII, of the Constitution, relative to Railroad Commissioners. Cutter-----	96		
51	An Act to amend Section 85 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to bribery. Keeler-----	102		
52	An Act to amend Section 3632 of the Political Code, relating to revenue and taxation and the powers and duties of Assessors. Johnston-----	110	156	
53	An Act to amend Section 3824 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation and the manner of the collection of taxes by the Assessor on certain personal property. Harvey-----	110	155	
54	An Act making appropriation to pay the expenses of the extra session of the Legislature, and other matters incidental thereto, of the State of California, during the thirty-fifth fiscal year. Campbell--	112	134	76
55	An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms in the title on revenue. (Identical with Senate Bill No. 22.) Field-----	114	134	
56	An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation. (Introduced on behalf of the Committee on Ways and Means.) Campbell-----	115		
57	An Act making an appropriation to enable the Controller of State to investigate the accounts of the Departments of the State Government. (Introduced on behalf of Committee on Ways and Means.) Campbell-----	120	156	
58	An Act to repeal Section 3748 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the collection of property taxes. Wharton-----	129		
59	An Act to propose an amendment to Article XII of the Constitution of the State of California, in relation to corporations, by adding a new section thereto, to be known as Section 27, in relation to the establishment of maximum rates of charges for transportation of passengers and freight on railroads. Farley-----	137		
60	An Act to authorize the payment of certain moneys now in the hands of the Attorney-General into the State Treasury and into certain county treasuries. Johnston-----	168		
61	An Act to regulate the vocation of fishing and to provide therefrom revenue for the support of the Government of the State. Cutter--	169	190	
62	An Act to propose an amendment to Sections 1, 4, 7, 8, 10, and 11, of Article XIII, of the Constitution, relating to revenue and taxation. Sweetland-----	194		
63	An Act to propose an amendment to Section 4, Article XIII, of the Constitution, relative to revenue and taxation, and to Section 10, of Article XIII, relative to the assessment of property. Caminetti--	201		

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Number	TITLE.	Introduced	Passed Assembly	Passed Senate.
1	Relative to Postal Telegraph bill, introduced in Congress by Hon. Charles A. Sumner. Cutter-----	11	11	26
2	Relative to the removal of G. J. Carpenter and W. P. Humphreys, Railroad Commissioners, for the First and Second Districts, respectively. Levenson-----	11		
3	Relative to a bill introduced in Congress fixing a maximum rate of charges for transportation of passengers by railroad corporations. Barry-----	18		
4	Relative to the creation of a Federal Commission of Transportation. Hollister-----	28		
5	Relative to returning thanks to D. O. Mills for statuary. Stephens--	33	33	31
6	Relative to the call of a convention for proposing amendments to the Constitution of the United States, under Article V of said Constitution. Levenson-----	33		
7	Relative to declaring forfeited to the State the charters and franchises of the Southern and Central Pacific Railroads. Wharton--	38		
8	Concerning the proposed legislation now pending in the Congress of the United States, to authorize the reopening of adjudicated title to lands situate in the State of California, and patented by the United States, under grants by the Mexican Government. Coleman-----	62		
9	Relative to the location of the eastern boundary line of the State of California. Bayley-----	62	76	87
10	Relative to the establishment of experimental stations. La Rue---	67	71	45
11	Relative to the Railroad Commissioners. Stephens-----	71		
12	Relative to the removal of certain cases from State Courts to inferior Federal Courts. Campbell-----	80	87	83
13	Relative to the tax suits pending on appeal in the Supreme Court of the United States from the United States Circuit Court for the District of California. Breckinridge-----	111	111	
14	Relative to the trial and removal of Messrs. Humphreys and Carpenter from the Railroad Commission. Keeler-----	125		
15	Relative to river and harbor appropriations made by the Congress of the United States for the Pacific Coast and remaining now unexpended. Caminetti-----	137	150	74
16	Relative to making Courts of record of the State Courts for the hearing and trial of bankruptcy cases. Farley-----	160		

Number	TITLE.	Introduced	Passed Assem- by	Passed Senate.
17	Relative to moneys paid by the defendant corporations on the so called compromise of certain suits for delinquent taxes. Cutter-----	184		
18	Relative to making August 29, 1884, a legal holiday. Wallace-----	187	187	112
19	Relative to certain suits for the recovery of taxes delinquent to the State and various counties of the State, known as the railroad tax suits. Caminetti-----	198		
20	Relative to the acquisition of large landed estates in the United States by non-resident foreigners. Caminetti-----	205	205	